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THE
DESPERADOES OF THE SOUTH-WEST:

CONTAINING AN ACCOUNT OF

THE CANE-HILL MURDERS.

TOGETHER WITH

THE LIVES OF SEVERAL OF THE MOST NOTORIOUS REG-
ULATORS AND MODERATORS OF THAT REGION.



A Desperadoe of the South-West in full costume.

BY CHARLES SUMMERFIELD,
OF TEXAS.

NEW-YORK:

WM. H. GRAHAM: LONG AND BROTHER: BURGESS AND STRINGER.

1847.

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Scene at the Trial. See p. 34.

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PREFACE.

The scenes presented in the following pages are not painted from memory alone. They are not the acts of a fleeting drama, which passed before my eyes, as an indifferent spectator merely. On the contrary, they constitute a terrible tragedy of events, in many of which, I myself performed a part. They are thus, not so much a record, as a resurrection,—the pale, perished children of the heart come back again in the mournful moonlight of memory. They are my experience, which is I.

But although these sheets are partly my autobiography, I have essayed my uttermost to write them with the same candor, which the critic should observe in their perusal. I have been compelled to relate deadly combats, desperate duels, and bloody assassinations, the mere recollection of which chills the blood in my veins, and excites an involuntary shudder of horror. But I have endeavored also to trace their causes, in the hot, passionate temperament of those chivalrous sons of the fiery south, and in the physical and social circumstances of their special environment. I have not forbore even to express my sincere admiration for a high, heroic courage, which although exerted in a cause not sufficiently worthy,—the cause of a conventional code of honor, may certainly dare a comparison with the proudest achievements of ancient or modern story.

Certain cynical critics, I know, will condemn me for this ; yet they shall hardly lash me into either repentance or disavowal, for surely we may esteem death-defying heroism, were it even in the most abandoned pirates, without approving the bloody deeds, in the perpetration of which, such heroism was manifested.

I might have chosen a much more facile course ; and dealt in bitter denunciations ; and whetted barbed satires dipped in gall ; for it is much easier to rail than to reason ; and the very lowest flight of genius is truculent tirade.

But I could not make up my mind to do so, for I am a man myself, and an erring one too ; and neither an ascetic nor a fiend. I chronicle the deeds of men ; and neither perfect good, nor perfect evil, appertains to human nature, or any of its acts. Above all things, I have essayed to speak the truth, both in relation to all matters of principle and detail, as they have fallen under my own observation.

I know that some of the horrible rencounters here recorded, will seem almost incredible, to persons unfamiliar with the private history of the section of the Union, where they have transpired. Therefore to satisfy the most sceptical, I have concluded to refer to several distinguished individuals who

are cognizant of the facts detailed ; and who will promptly respond to any inquiries addressed them, by mail, on the subject.

Of the facts stated to have occurred in Texas, I present as witnesses, Senators Rusk and Houston, and the Hon. David S. Kaufman, M. C., all of Texas ; the Hon. Isaac Van Zandt, late minister to the court of St. James, now resident at Marshall, Texas ; and Mirabeau B. Lamar, ex-president of the Republic of Texas, resident at Galveston.

As to the bloody tragedy in the State House at Little Rock, I offer as witnesses, the names of Senators Sevier and Ashley, and Albert Pike, the well-known and beautiful poet of Arkansas.

In proof of the rigid accuracy of my account of the Cane-Hill murders and lynching, I need but name the Hon. George W. Paschal, late a judge of the Supreme Court of Arkansas, resident at Van Buren, in that state ; Hon. David Walker, the candidate run on the Whig ticket in 1844, against the lamented Gov. Yell, for Congress, now resident at Fayetteville, Arkansas ; and the Hon. Royal T. Wheeler, present judge of the Supreme Court of the state of Texas, resident at Galveston ; and Brigadier General Arbuckle, who at the period when those events occurred, was U. S. Commandant at Fort Gibson, and was present at the execution of the five victims of lynch law, as hereinafter related.

Should any person seek to be informed as to the character of the Author of these pages, information can be obtained by applying to the Hon. Thomas M. Woodruff, ex-member of Congress ; William C. Bryant, Horace Greeley, and Seba Smith, of the New York press.

NEW YORK, *June* 1847.

THE
DESPERADOES
OF THE
SOUTH - WEST.

CHAPTER I.

LYNCHING.

/ ITS CAUSES, AND PROGRESSIVE HISTORY.

THE court of the lynchers has been migratory. It has followed the march of the pioneer, slowly, yet surely, from the shores of the Atlantic to the wild base of the Rocky mountains, everywhere, throughout the whole South and West. Its brief, stern edicts have doomed men to death, in North Carolina, Tennessee, Kentucky, Missouri, Mississippi, Arkansas, and lastly in Texas, where hecatombs have fallen under its sentence. In fine, it is a great, gloomy *fact*, in the history of most new settlements, in the southern and western division of the American Union.

Many persons, ignorant of its causes, have regarded the *phenomenon* of lynching with surprise and wonder, and have made it the theme of unmitigated censure. Some have concluded, too hastily, that it owes its origin solely to an undue development of the destructive feelings,—an innate propensity and thirst for blood; and accordingly, they have denounced the new settlers, ‘as a set of truculent savages, utterly without the communion of civilization, whose creed is cruelty, and whose sacrament is murder!’

Most of those, who judge thus severely, are not only perfectly unacquainted with the real causes of lynching, but also profoundly ignorant of the formal proceedings in the courts of the lynchers. They suppose these assemblages to be mere mobs, such as suddenly collect in large cities, acknowledging no principle but passion, and no authority but revenge. They conceive only of a fierce gathering of infuriate men, aroused to madness by some violent emotion, who hang up their victims, with as little ceremony as the wild Indians, when they burn, at deep midnight, the captive warrior of some hostile tribe.

Such a view is utterly incorrect. A company of lynchers have almost nothing in common with a common mob. They have, so to speak, always, a written constitution and *organic law*; a committee of examination, who hear the evidence against the culprit, under oath; deliberate, and pass sentence. They have regularly elected officers, whose duty is not only to *catch*, but to *hang*. The committee-men, or judges, are generally the most distinguished in the community, for their age, wisdom, and virtues; often, ministers of the gospel, and therefore presumed to be as well acquainted with the law of justice, as that of mercy.

When a deed of homicide, or other heinous outrage, has been perpetrated, the company is hastily called together, by the captain, as he is styled, the offence is stated, and a most vigorous pursuit commenced. Perhaps the criminal has flown for refuge to the wilderness of the mountains, or fled afar to some other State. In that case, weeks, sometimes months, elapse before the search is successful. But never let the poor wretch count himself secure. A few chosen emissaries pertinaciously *dog* his trail, like *blood-hounds*, from forest to forest, from State to State; and rarely fail in bringing him back, at last, in chains.

Then the committee-men are called together. Some influential clergyman often sits as president of that solemn council, appointed as *avengers of blood*. They commonly hold their sessions in some dense, dark grove, where the old oak-trees, trellised with gray mosses, have prepared a cool retreat from the sun. Oaths are administered to the witnesses, by some justice of the peace, or itinerant preacher. The testimony is heard. Due deliberation is had; sentence solemnly passed, by the president; and execution speedily follows. Then all hie away to their homes.

Now all this is evidently not the proceeding of a common mob.

Still, it must be confessed, that sometimes there are darker shades in the picture. Horrors worse than death. When there has been a slow, cumulative series of felonies committed, and the offenders have all managed to escape; and all at once, some new unheard of, hideous enormity falls on the public ear, appalling as a peal of thunder,—such as the murder of women and children, or rape and homicide combined,—a crime that would disgrace a fiend in hell! then, indeed, it is fearful to behold the popular excitement. All the *wild beast* in human nature is goaded, as it were, into a state of moral insanity. Reason reels on her throne, and fiery vengeance assumes her sceptre. Passion boils like a mad, giddy whirlpool. The memory of many other outrages, that escaped all punishment, links itself to *this*, and deepens and darkens its colors of death. Often, *then*, are even the *innocent* suspected. Men are dragged out of their beds, at the hour of midnight, from the arms of their wives and embraces of their children, and hurried away to the stern tribunal of the lynchers. Then, every body is looked on with suspicion, unless he belongs to the *company*. All gamblers, idlers, and strangers of mean aspect, in general, are taken up, and made to undergo a rigid examination, with bowie knives gleaming in their faces, and the click of cocking pistols sounding behind their backs! The usual maxim of law, "that every man shall be presumed *innocent*, until his guilt is proven," is reversed; and the lynchers require all suspected persons to establish their freedom from guilt, by clear evidence of an *alibi*, on the precise night of the *murder*!

Then, they revive the obsolete method of *torture*! An dmen against whom there is not one iota of proof, but suspicion the most vague, and often absurd, are tied fast to a tree, and whipped with switches of the tough, knotty hickory, until their bare backs are scarred all over with deep, red gashes, and the blood trickling down beneath their heels, dyes the green grass with purple!

Wo, *then*, to the man who cannot prove an *alibi*! Nothing can save him from the lash. His own prayers for mercy are unheeded; and the cries of his wife, and the tears of his little children.

At last the committee-men believe that they have discovered the real murderer. Some weak, pale wretch has yielded to the excruciating torture, and confessed. Now for the *hanging*! Be not too sure. "Hanging," they say, "is too good for him!" What then? It is necessary to *burn* him! They collect a large heap of brush-wood. They fasten him with strong cords to the stake. A flaming torch is applied. Soon the pile is in a bright red blaze, that soars up, and climbs crackling and roaring around the poor victim, and licks his face, and hands, and lighted hair with its scorching tongue of lurid fire! Let no pen attempt to paint his agony. Let no living lip repeat the bitter curses he shrieks and howls out, while his mouth is burning away to ashes!

This is no picture of fancy's *limning*. The fact has occurred again and again, in the South and West, and *will occur yet again*. Only a few years ago a Negro was burned to death, near the city of St. Louis, by the mob. And it must be acknowledged, that it is generally only Negroes who are thus doomed to a death by

fire. White men are honored with a more elevated, if not romantic exit, on the gallows, or limb of an ancient pine.

Now all this, we admit, is dreadful enough to think of, and may seem to warrant some of the harsh epithets lavished by travellers—especially by Europeans—on the perpetrators of such deeds. But we think that a calm and careful inquiry into causes, will satisfy every honest mind that *such things* are not the mere manifestations of a brute propensity to shed blood, but the necessary result of a new and altogether different social condition from any ever before witnessed in the world. For if lynching be a phenomenon *peculiar* to the new settlements in the South and West, we may rest assured that it springs out of some peculiarity in the state of society in those new settlements. Nay, we might go farther, and since human nature is everywhere essentially the same, in all the faculties and passions of the soul, we might assert, confidently, that under the same circumstances *we* would do what they have done—be lynchers too, if brought within the circle of influences where the same *causes* are at work.

To make this plain we have only to glance at the *social condition* of the South-western pioneers.

A few families, mostly poor laborers, select some rich valley in the forest, far from the old settlements, as the site of their future residence. Thither they drive their flocks, which are all their wealth, and *haul* their children in rude wagons. There they erect them little huts, out of rough, round logs; and then commences a battle with the toils of the wilderness. It requires the most arduous labors to clear away the forests, and turn them into fields for future harvests. And these labors have to be borne, under a total want, not alone of the luxuries of civilized life, but nearly always of the bare necessities of subsistence also, save what the river and forest themselves supply—fish for the hook of the backwoods-boy, and game for the hunter's rifle. Often, in these wild, new settlements, have I stayed all night, in my travels, with families who had been for weeks together without bread. Often, after the toils of the day are over, the father must spend half the night in *fire-hunting*, to procure venison for the mouths of his children; the ensuing day again to be passed in severe labor.

There is no Sabbath for the pioneer. That day he must chase the red-deer from one mountain peak to another, in order to lay in a bounteous supply of meat for the ensuing week.

He rises with the morning star, and is off from his hut away into the dew-dropping woods, eager-listening for the silvery chimes of his horse's clear bell, ringing afar on the still cool air. There is no corn in the crib, or fodder in the stable; for as yet he has neither crib nor stable, and is therefore compelled to turn his steed out at evening, all weary and worn as he is, to fill himself on grass, or the odorous wild pea-vines, with their purple blooms, and thus renew his strength for the hard work of another long summer's day. And so the pioneer has to seek him out every morning, and often must walk miles ere he finds "poney," who sometimes proves a truant, and wanders with *malicious* perversity far off into the heart of some deep cane-brake.

In these backwoods there are no mills, no provision-groceries, no storehouses; and so the male part of the family is generally wholly clad in buckskin, often fantastically *beaded* with mock pearls of variegated glass, of all the colors of the rainbow, by the fond art of the wife, or sister, or some sun-tinted maiden, the soul's own "true love," dearer still.

Let us not despise these rough pioneers. Such were all our fathers. They brave the arrow of the savage Indian, and the toil of the yet more savage woods, and cruel hunger, savager still than all. Hidden from the eye of the world, the heroism of many Napoleons beats in their wild, free hearts. Their keen axes hack away the tangled branches of the wilderness, that *we* may afterwards rear *there* our palaces of marble. They fell the oak and the giant-armed ash, that our church-steeple may soar up there, with dazzling glitter, in the sunbeam. Our cities rise above their graves: our banks are built upon their bones!

When a new settlement has been once begun, it gradually, and often rapidly increase, by fresh families of emigrants. At last the wealthy begin to move in.

The first valley broken up becomes a kind of nucleus around which other settlements are formed, farther and farther out in other vallies; while more remote still some hardy hunter pitches his camp in yet deeper solitudes.

At this stage of progress no society can be more interesting. There are comparatively few people, and therefore they are all friends. As yet there is no law, and no need of law, for the fierce war of *competition* has not yet commenced—that *competition* which has reduced the world to one great battle-field of opposing interests, where friendship bleeds, and human sympathy is trampled under foot, and the love of man to man dies out; and even holy virtue, with the many, becomes a hollow sound, as of an echo from forgotten sepulchres!

Then labor gives health. Luxury has not yet imported from effeminate towns her *cohort* of old diseases, and there is therefore no *dear* doctor, with sleepy syrups, and pills that *poison* while they cure.

There are *then* few debts, and they are all debts of honor, and therefore need no coercion to secure a payment, that is prompted as much by an honest pride as by a sense of imperious duty.

There are then no quarrels; because there are no lawyers, whose very life depends on the discord that breeds litigation.

There are no splendid churches, with mellow-toned organ, and choir of dulcet voices, and *golden-mouthed* priest, with his manuscript of melodious words! But many a log cabin is a temple of humble prayer, where the simple itinerant preacher *draws*, with cords of the heart, the rustic worshippers around him, and utters mild sentences of mystic fervor, that melt, like music of heaven, on the soul.

Then, if you be a traveller, a stranger, every man you meet is a brother, and every house you enter seems your own. The hunter receives you with pure, though unpolished hospitality; presses you to stay all night; and should you stay a week, or month, the tender of a remuneration would be the greatest insult you could offer him. His children crowd around your knees with timid gladness; the face of his good wife beams with smiles, as if you were an angel visitant dropped out of the skies.

One who has so often experienced their kindness may be pardoned for thus alluding, in terms of so much enthusiasm, to the virtues of a simple-hearted people—virtues I have the sense to admire, if not the moral power to imitate.

Again I repeat it, at this stage of their progress the pioneers are the happiest people on the earth. Spontaneous instinct serves them instead of philosophy; and in place of metaphysical abstractions, old Mother Nature flings, free and full, into their central souls, all her rich concretions—sun-pictures on the evening clouds, and flashes of glory from rising and setting stars. For them the minstrel winds sing hymns on every hill-top, and the little birds whistle sweet psalms from their leafy boughs. To them all nature is a revelation, and the blue sheet of immensity spread away above their heads, on high, is one leaf of God's bible—a bible written with fire-letters, by a flame-pencil, and dotted with suns that never go down!

Oh, ye thrice-happy green shades of the dim, distant backwoods! why can ye not always remain thus—an *oasis* of love and friendship, and instructive virtue, in the great world's desert of barren sand—a happy exception in the universal hatred—sole image of the innocence of Eden since the fall?

Ah, me! it is but a dream. It comes and goes, like the shadow of a bird's wing of a sunny day.

Soon refugees from justice, of other States, fly to those peaceful woods for an asylum. They were once poor and happy. They have dug up wealth for themselves and their children, out of the earth, God Almighty's free *bank*, that asks no security on her issues but labor, and knows no *panic*, and never stops payment. Now the *pioneers* are comparatively *rich*, and State sovereignty is extended over them; a judge is provided, and lawyers, and a sheriff goes round to *assess* and *collect* the taxes.

But as yet they have no jail and court-house, and the county-seat is perhaps a hundred miles distant.

A different class of people now begin to settle among them—the aforesaid refugees: whiskered gamblers; land-speculators; and thieves in general. Small

groceries spring up thick as mushrooms in April. And now their camp-meetings, that once came round one every year, so peacefully, and bringing so many happy greetings of the hand and heart, are disturbed and broken up by the fierce revelry of drunken riot, and the mad wafture of bowie-knives.

Scarcely a night passes without a horse being stolen. It is useless to pursue him in the morning. At the rising of the sun the rogue is off forty miles in the wilderness.

Next follows the perpetration of all the most loathsome crimes in the criminal code—rape, robbery, and murder—in swift succession.

The offenders who do not escape are taken. They must be guarded; for there is no jail. The guard must be strong, as well as vigilant; for these villains are not without their friends. To stand guard for six months is a great sacrifice, for men whose living depends solely on the labor of their own hands. And six months it must be, for the court sits only twice a year. But when court week comes, perhaps, as it generally happens, the judge does not come. Then the culprit must be guarded six months longer.

At last, after one or two years, the court opens. The prisoner employs counsel; and if it be a bad case, the counsel puts it off for lack of a witness, who never yet has been born. Six months more elapse; the case is called, and the lawyer finds a fatal flaw in the indictment, which is accordingly thrown out. Six months more the criminal must be *guarded*; a new indictment is found. Then the case is again postponed for want of a *material* witness—one yet to be born.

At length, after three or four years, a trial is had, a verdict of guilty rendered, and now you might suppose the murderer would hang. No such thing. In the West an attorney never goes to trial on a good indictment. He *quashes* all the good ones, and risks the fate of his client on one that he knows to be bad beyond question. Accordingly, the judgment is *arrested*. And now judge, juries, and prosecutors, heartily sick of the case, agree mutually that the prisoner be discharged. It is, one would think, high time to discharge him. He was as poor as a beggar when arrested. He is now a gentleman of some considerable property. He has made it *playing poker* with his guard. Then, after all other means of redress have been exhausted, the honest, hard-working portion of the community organize themselves into a company of lynchers, elect a captain, appoint a committee, and as they say, "take justice into their own hands!"

Wo to the luckless lawyer who would hinder them. He may count on a coat of feathers, without wings, and a jacket of tar, if not trowsers! For the backwoodsmen view the disciples of Blackstone as their worst foes, who rescue every culprit from the clutches of justice. It is the lawyers who pick holes in every indictment. It is they who wheedle and mystify the judge. The arrival of a lawyer, therefore, in a new settlement, is regarded as the most serious calamity—an evil omen of coming misfortunes. And it must be confessed, he usually takes great pains to justify their worst apprehensions, by raising the devil of litigation among them at the earliest moment opportunity offers.

The company of lynchers once formed, they proceed to the execution of summary justice. It is easy to conceive what sad work they must make of it, rendered furious, as they have been, by multitudinous wrongs. And accordingly, they whip, hang, torture, burn, flay alive; and however they may begin, end at last by acting like a band of savages.

What else could be expected of *such* men, however honest, however merciful, stung to ungovernable rage by so many injuries, and now placed as judges in their own case, in a position beyond responsibility?

By and by, the more cunning rogues take shelter under their protection, and bawl out the loudest for justice. Then the fruit of ruin is ripe. Men accuse their enemies of the most appalling crimes, in order to glut feelings of private revenge. A hypocritical zeal for honesty becomes the cloak of rapine and murder. Vengeance supplants law, and brute force and fury trample down all show of order. Government ceases, and every infernal passion stalks abroad at will, to prey on the bosom of society. No lion of the Lybian desert was ever half so pitiless as the mob, in a period of excitement. The rage of one man is fearfully revolting to the

eyes of a calm spectator; but it is no more to be compared to the fury of several thousands, than a dim spark is to be likened to the glare of a burning city.

But the force is never wholly on one side only. The lynchers, or "regulators," as they are often called, soon find that their foes organize also; arm themselves, and prepare for systematic resistance, under the denomination of "moderators." Then commences a *guerilla* warfare as dark and deadly in its hate, as the old English contest between the *Red* and *White* Roses. It is a war of utter extermination. For one party or the other must be either annihilated, or exiled to the country. Sometimes the moderators only make a show of fight, and then ingloriously fly, before the firing of a rifle. But oftener, bloody combats take place, in which many are slain on both sides. Such an engagement occurred, about two years ago, in Shelby county, Texas,—the same where forty persons were lately poisoned, at a wedding supper. The fight, which was then and there waged, was of a most dreadful character. Both companies, under their respective leaders, displayed that reckless daring that is so peculiar a characteristic of the Texans. There were about three hundred on each side. And for two hours together a destructive fire was kept up, from double-barrel guns, rifles, and revolving pistols; while repeated charges were made with bayonets, as well as bowie knives, and the fatal two-edged Mexican sword! At length the moderators gave way, not in a total rout, but a regular retreat. They fled, but, like wounded lions, still fought as they fled, disputing every inch of ground e'er they relinquished its defence. Every standing oak was converted into the pivot of a new position, and every fallen pine-tree into a breast-work, mantled with wreaths of smoke and jets of sudden flame. Every ravine, on the line of the retreat, became a ditch, where brave men paused again to hurl back death in the faces of their pursuers. Many a tuft of wild grass was turned to crimson-red, and many a clear rill tinged with gore. Till finally the moderators were literally pushed, as by main strength, into a dense cane-brake, impervious almost to the blade of a sword, where their foes dared not follow!

After the foregoing narration, every one must perceive, at a glance, that lynching, as a *fact*, however anomalous in its character, is a necessary result of a new and singular train of causes, in the social condition of pioneer settlements. It is not a product of any peculiar savage or cruel propensity, but is merely a dernier resort, when all other expedients have failed to clear the community of villains and vagabonds.

Still, as an eye-witness, I must be permitted, as an honest recorder of *events*, to express a doubt as to any lasting or substantial benefit, that might be supposed to flow from its practice; while its evil effect on those who participate in its scenes of bloodshed, are beyond all dispute.

After one *hanging*, or *burning*, or even a case of extreme whipping and torture, there always occurs, in a short time, a revulsion in the public feeling, a mournful, half-suppressed sentiment of sorrow for the victims; a sad, sickening regret, as if the memory of a murder were haunting the conscience of the people. This emotion is peculiar to the humane and better portion of the citizens, who can never be excited to do such deeds again.

But the influence of such scenes is very different on another and more numerous class—the men who are naturally the most destructive in their organization and habits of life. It is a most perilous thing for such men to get a taste of homicide. It unchains all the tiger in their nature. They have *slain*, from a sense of duty. They will soon seek to slay, from the passion for blood. They have grown quarrelsome, vindictive, and overbearing, in an almost inconceivably short space of time; nay, often worse than the knaves whom they have aided to expel. And so, while society has rid itself of the thieves, it has gotten a set of murderers in their stead; or rather, its own members have partly turned murderers, in their *remedial* strife with the rogues. This has taught me, as all things ever teach, that it is better to endure evil than to seek its cure in other wrongs; and that no end proposed, even as a matter of naked policy, can ever justify means which are, in their essence, sinful. Necessity is a void plea in the high courts of both providence and virtue, when one is called on to answer for a positive crime.



The meeting of Barnes and his wife and child at the Trial, see p. —.

CHAPTER II.

THE CANE-HILL MURDERS.

THE Ozark Mountains is a range that rises in the south-west Missouri, near the Osage river, and after sweeping far round through central Arkansas, in an irregular course, terminates in the heart of the Cherokee country.

In this mountain chain, there is some of the finest wild scenery that ever greeted my eyes. It is covered all over with mazy forests, the haunt of innumerable wild animals. Deer, in great herds graze in its *steep-down* grassy dells, so well sheltered from the nothern, icy winds, that they are partially green even in mid-winter. Armies of wolves wander about in search of prey, filling the ear of night with dismal howlings. And the panther, and the wild cat, with glittering eyes, lurk among the leafy branches of many an old oak tree, ready to pounce upon a passing victim. While in the deep, savage caverns, bored by unknown causes, in the base of almost every hill, the black bear finds a congenial home for her *cubs*, whose wailing cry reminds the traveller in those solitudes, of the lamentation of a child for the absence of its mother.

The *chain* is *broken* in many places—*disjointed*, so to speak, by beautiful vallies that intervene betwixt the ribs of the mountains—vallies where infant rivers wander, seen from the distant heights like mazy threads of silver, wrought in serpentine semi-coils, on a mantle of living green.

There every lofty summit has its spring of purest water, whence rills flow

away with murmurous farewells, to meet and mingle with sister rills from neighboring peaks; and thus swell into roaring torrents, that leap from cliff to cliff, in cascades whose face is snowy foam, and whose voice is heard afar, like the roll of distant thunder.

The geological structure of this range is various. In some parts, the ledges of old strata that jut horizontally out of the steep hill sides, are of sand-stone tinged *red* as blood, with oxyde of iron. Other sections are composed almost wholly of a conglomerate of water-worn pebbles, agglutinated firmly by a calcareous cement. In other places again the abrupt mountains shoot up on high in mural, perpendicular precipices of deep blue limestone, as blue and almost as beautiful as the azure sky, that seems, to one in the low valley, to rest on those lofty peaks, as pillars of support to the dome of heaven.

In general, this is a region of wilderness. Though some of the wider vallies are inhabited now by a race as hardy as the neighboring rocks; while in places more remote, few and far between, the single huts of hunters are seen, in a boundless contiguity of wilderness.

But there is no where a single spot in this range of mountains, half so beautiful as "Cane-Hill,"—the site of scenery absolutely romantic.

Cane-Hill as it is called, is a round mountain, or rather brotherhood of high hills, that rise in the western part of the Ozark chain, in Washington county, Arkansas, near the Cherokee Nation of Indians. But although Cane-Hill is a member of the Ozark family of mountains, *he* exists in a state of singular separation from his other brethren, being everywhere surrounded by a broad belt of rich alluvial prairie that runs in a wide, deep valley, several miles in extent, like a trench dug around *his* base. That base is as round as a circle, and is about twenty miles in circumference.

Cane-Hill received its name from a circumstance as remarkable as its own anomalous character and appearance among mountains.

The wild cane, as is generally known, is confined almost entirely to the rich bottoms on the banks of rivers in the south-west, often spreading in thick-clustered luxuriance over areas embracing thousands and millions of acres. These bottoms are denominated "Cane-brakes," and are the most fertile lands in the world. The soil is always a loam of the richest alluvion, black as tar, and loose and light as a heap of manure. Those cane-brake bottoms are the coffers, where the rivers, at flood time, deposit and hoard their wealth of decayed vegetation, washed down by the rains, from a thousand mountains. The deposit is often twenty feet deep. No other country on the earth can boast such banks of riches. One of these bottoms, "Old Caney," not far from the Colorado, in Texas, is a continuous cane-brake, seventy miles long, and twenty wide, and richer than the famous valley of the Nile.

But these cane-brakes hardly ever extend to the *uplands*. To this *rule*, Cane-Hill is a singular exception. When first discovered, it was literally matted and tangled all over, up to its highest peak, with long green cane. And its soil corresponding in character to the alluvial bottoms of the great rivers, was as rich as a garden-bed. Since it was settled, the cane has been gradually eaten out by the herds of cattle, until only a few green tufts are seen waving here and there in the wind, over the brows of inaccessible precipices.

I have remarked that Cane-Hill was in itself not so much one, as a brotherhood of fertile mountains, united into one family. These are generally regular sloping cones, truncated at the top. Between them gurgle rills of the purest water I ever beheld, cold as ice, and clear as crystal. Fountains innumerable bubble up every few hundred yards, on the slant hill sides. It ought to be called "the Mountain of many Springs;" and not "Cane-Hill" any longer. For its beautiful web of cane is worn out, but its living springs will last forever.

As you descend towards the belt of prairie, that everywhere lies around the mountains, the declivity becomes more and more precipitous, till at length it ends in a perpendicular wall, often several hundred feet in height. So that the *plateau* of the hills can only be approached in a few places, by safe and certain roads, and these must wind like serpents, far round among the rocks of blue lime-stone.

Nature appears, from its structure, in the almost impassable barriers she has erected around it, to have designed this *site* for the position of a great fortress, where the flag of Freedom might take refuge in a deadly struggle against the coalesced tyrannies of the world.

And indeed, when examined by the critical eye of the Antiquarian, some such use appears to have been made of its natural strength in long forgotten ages, whose extinguished traditions have not sent down to the *present* one dim-twinkling ray of intelligence.

For on the summit of one of the loftiest cones, there is found the remains of an old wall, compacted of solid limestone, near eight feet in height, and in the form of a regular ellipsis. This wall encloses an area of about one hundred acres, in which are a number of beautiful springs. One may form some faint conception, of the remote antiquity, when this wall must have been built, when the fact is stated that with a few exceptions, it is at present under the soil, which has gradually accumulated over it in a long series of years, which baffle even the grasp of imagination. The wall is everywhere, when we dig down to its base founded on the naked blue limestone, which underlies the alluvion of the whole mountain. Consequently it must have been erected when there was not a tree or shrub, and perhaps not one blade of grass or handful of earth's dust on all Cane-Hill. And all this—all the beds and banks of fat loam—all the flourishing forests, have been the slow growth of innumerable silent years, by the mere deposition of vegetable matter alone—a matter not brought thither by the action of foreign forces from a distance, but made there on the very spot, by the instinctive process of vegetable life.

When one remembers how slow must ever be the formation of such deposits on bare rocks, and what an immense interval of time must separate between the birth of a bundle of gray mosses and that of the mountain ash—millions of years are but as moments in the mind's eye—and we are forced to the conclusion that such must have elapsed since those blocks of limestone were laid on one another, by the hands of a race perhaps extinct for ages, when the corner-stone of the chief Egyptian pyramid was placed by the armies of the first Pharaoh!

At the period when our tragedy of murder opens, some seven years ago, Cane-Hill had been reclaimed from the forest, and was converted into fruitful fields, affording the means of subsistence to more than one hundred families. Washington county (within whose limits it was included) was the most populous in the State of Arkansas, and bordered immediately on the Indian line. From this fact it was infested by a gang of thieves and desperadoes, whose very lives were an outrage to humanity, and whose best acts, in civilized lands, would be regarded as crimes.

Runaways from every State in the Union were collected along the Cherokee line, and preyed alike upon the whites and the Indians. For the especial benefit of these desperadoes, as it would seem, groceries were erected immediately on the line—one-half the house being in Washington county and the other in the Cherokee nation; so that, when a crime was committed in one part of the grocery, the offender had but to step across a plank in the floor, and lo! he was in another jurisdiction, beyond the reach of legal process issued by a court on the side he had left.

The year 1840 might not inappropriately be called the year of *murders*, both among the whites and Indians in the South-west. The rival parties of Ross and Ridge, among the Cherokees, were in a state of open war, which yet was not so deadly as that secret assassination, which robbed some of the best families in mourning, and filled all souls with alarm. On the night of the twentieth of June of that year, if I mistake not, all the leaders of the Ridge party were slain—butchered basely, in cold blood, by the hired bravoos of John Ross, the rival chieftain. Then fell the amiable Boudinot, a man of eminent learning and virtue, and R. Ridge, an aged chieftain, who fought beneath the banner of Gen. Jackson at the battle of the Horse-shoe, and did equal credit to himself and service to the American army. While the next morning, at the dawn of day, John Ridge, the orator of the Cherokees—the most eloquent man, perhaps, this country ever produced—was dragged out of his bed, and murdered in the presence of his wife and children—pierced with

a dozen daggers! Many others, of less note, were slaughtered in the same merciless manner.

Always when a high degree of agitation happens to occur among the Indians, then may the pioneers expect the committing of the darkest crimes on their own side of the line also. For then, secret assassins have learned by experience, it is easy to cast suspicion on their copper-colored neighbors.

Accordingly, after the butchery of the Ridges a war succeeded in the Cherokee tribe, that threatened to depopulate the whole country; and contemporaneously, in the border counties of Arkansas, a succession of horrible homicides were perpetrated, so numerous, so aggravated, that the like were never known before, in any clime under the sun.

There seemed to be let loose among men some infernal demon, whose sole appetite was to shed human blood. Travellers were slain on the highway, their purses rifled, their bodies hideously mutilated, and left by the road-side to be picked by the buzzards and wolves. Every night, in almost every neighborhood, some horse was stolen, house robbed, or family assassinated.

Numerous culprits were arrested, tried, and *acquitted*, according to law; for the attorneys were in league with *murder*; and no indictment could be made to *stick*; and even to write a subpoena, in proper form, appeared an impossibility. In every case either a plural noun was used instead of a singular, or a verb was written in a wrong tense, or a short-tailed S was set in the middle of a word instead of a long-tailed one.

This state of things had continued until justice had become a misnomer, and the word law seemed a frightful mockery! In the meantime assassinations by no means diminished. The excitement grew into madness. A company of lynchers were raised, amounting to four hundred men, and a regular committee of *thirty* was organized, under a constitution as eloquent in its declaration of rights, and as precise in its definition of specific lynching powers, as the Constitution of the American Union in its enumeration of the separate elements of federal jurisdiction.

We may be permitted to pause for a more particular survey of this "Cane-Hill Company," as it was called. It was composed mostly of laboring men, old settlers and honest, who had *worked* themselves out comfortable homes, in that once gloomy wilderness.

On Cane-Hill and in its vicinity, at that period, were schools, churches, and in general a highly moral and religious population. Such was the substratum of society; but floating around and above these was the light, filthy scum of gamblers, grocery-keepers, and braves, to whom we have previously alluded.

The lynching company was organized of the best materials of the county; for everywhere the laborer is the best *materiel* in the world. The captain elected was Mark Bean, a man of great wealth, part of which he had made by working at the blacksmith's trade among the western Indians, twenty years ago; but the greater portion he had amassed by contracts with the U. S. Government, to supply beef to the various hordes of successive emigrant tribes, transplanted in accordance with Gen. Jackson's policy from the regions east of the Mississippi. Captain Bean was a man of slight frame, but active and energetic as a Western wild-cat. His calmness was imperturbable; but his courage was also obstinate—unyielding as iron. His face was pale, fine-featured, and gentle, even beautiful as a woman's; and his self-command was so great, that his placid countenance never betrayed any symptom of excitement, when his bosom was boiling with furious passion, save in a fierce redness around the *white* of his little, snake-like, sky-blue eye, and a quick convulsive twitching of his thin lips, as if they were quivering beneath the shocks of electricity like those of a galvanized corpse. His courage was only equalled by his cunning. Slow, wary, and circumspect in deliberation, in deed he was prompt as a flash of lightning. His words were few, and always to the purpose. I have heard him demolish a long flatulent speech of inane theory with three sentences of sober fact. No man in America was better fitted to be the captain of a company of lynchers. And so he was the very life and soul of the Cane-Hill organization, and the most influential member of the committee of thirty, as well as the general commandant of the whole corps.

The committee of thirty was composed mostly of ministers of the gospel, collected from all parts of the country; though several were justices of the peace, and some were Methodist class-leaders. Only a few of these are worth describing.

The president of the committee was the Rev. Samuel Harris, a Cumberland Presbyterian preacher, with a bull-neck, a brow of brass, a sensual mouth, whence, on Sundays, proceeded a silvery voice, the sweetest to which I ever listened. His sermons were models of western eloquence—not that eloquence which is so often caricatured in the public prints—but that exquisite mingling of deep, wild pathos, and rude, oriental imagery, which can captivate unsophisticated, forest-born hearts, and lead them whithersoever the orator will. His precepts were evangelical, according to the straitest sect of orthodoxy. But it was his misfortune, that in that doomed conflict, which every *spirit* must wage against the *flesh*, although the former is *strong*, and the latter weak, yet in his case the *weak* very often triumphed, thus exemplifying, in a *new* sense, the proverb—"the battle is not always in favor of the strong!"

The story of his conversion had a spice of the romantic, if not of the miraculous. In his youth he had been a traveling gambler, and notorious desperado. As frequently happens to those knight-errant gentry, he was often *flat*, as they word it in cant phraseology, and had to draw largely on his wits, in order to obtain the needful supplies. When this happened among strangers, he had always one ready resource. He passed himself off as an itinerant preacher, of the Lorenzo Dow species, and delivered flaming discourses, most edifying to the simple-hearted brethren of the backwoods.

On a certain occasion, he resorted to this novel expedient, in a case of emergency, in Western Tennessee. His eloquence, so unlike the dronish snuffle common to the region, had a powerful influence, and a stirring revival was the consequence. This affected the gamester-priest, to such an extent that he became converted under his own preaching, made a public profession of religion, and was shortly afterwards ordained a minister of the gospel.

Another leading member of the committee was the Rev. A. Buchanan, familiarly known by the *soubriquet* of "Uncle Buck." He was a huge mass of obesity, fat all over, even to the very eyes. His voice was hoarse, as a bull-frog's in the Mississippi swamp. His stomach was *unique* in its shape, and monstrous in its proportions. Not being at all acquainted with the man in his "*natural state*," as he termed the life previous to his conversion, I cannot affirm, or deny, whether he was originally cruel. However this may be, his creed of ultra-Calvinism had long ago made him so. He fixed his eye with so steady a stare on the stern features of the law, that he forgot the milder, angel-face of the gospel: and so in his personal character as a preacher verified the fine saying of Burke—"By hating sin too much, we often come to love the sinner too little." He was the most truculent member, by far, that sat on the Cane-Hill committee.

Another influential member of the committee, was the Rev. Benjamin Pierson. He was a man of good moral character—a very good sort of person; had been, perhaps, at first, a being of benevolent instincts. But the whole nature of the man was now soured into ascetic verjuice, by a stringent metaphysical belief, that gave to evil an everlasting and equal share on the throne of the universe; and fettered even the hands of the omnipotent Deity himself, with the fixed necessity of an unalterable predestination. Such a man, one who believed that mercy for the evil doers was a sentiment unknown in Heaven, was very likely to make a severe judge on the earth; and accordingly, in all the proceedings of the committee, he was unrelenting in his feelings, and savage in all the measures of punishment he advised.

And still another of those reverend worthies, was the Methodist parson, Thomas Norwood. I cannot speak of this individual with that charity due to every member of the great brotherhood of the race, and, therefore, will not speak of him at all. In truth, I can only judge of him through the distorted medium of a settled antipathy, which I experienced, like a sudden thrill of dread and nameless horror, the very first time I found myself in his presence. It is enough to say, that he never suffered any emotions of gentle pity to disturb the sternness of his opposition to the unconformables of the social state!

It is no difficult matter to conceive what sad work would be made with such tools, at a period of violent excitement, when every heart was an organ of fire. Nor was there long wanting an opportunity to try their hands.

About the last of June, in "the year of murders," 1840, a Mrs. Crawford, while *beating* cruelly one of her slaves, a slight mulatto girl of fifteen, carried her correction to such an extreme, that the irritated girl, maddened by the pain and disgrace, snatched up an axe, felled her *mistress* to the earth at a blow, and coolly chopped off her head. She then went to the next neighbor's house, informed the family what she had done, and detailed her reasons therefor.

She was immediately arrested and put in chains; the company of lynchers collected, and the reverend committee were called together. Sentence of death was hastily passed without opposition, and an early day appointed for the execution.

When the day arrived, thousands, white, black, and red, assembled to witness the revolting sight. The execution took place in a shady grove, on the summit of one of the many green-browed coves of Cane-Hill. The *gallows* was the limb of a large oak tree, perhaps five hundred years old.

I was an eye-witness. An incident occurred, not more than a minute before the final consummation of the scene, that filled me with horror, and I cannot recollect it now without an internal shudder. The day was excessively hot, for even that climate. The sweat rolled in great drops down the cheeks of the poor yellow girl, sweat mingled, alas! with bitter, burning tears!

They compelled her to kneel down on the scaffold; the Rev. Andy Buchanan bowed also, and offered up a solemn prayer to *equal God!* to which many in the vast assembly responded in a hearty backwoods "Amen," which is always repeated aloud. The parson arose from his knees. The scene was about to close. One moment more, and that *friendless* child would be off to eternity, a denizen of the unknown darkness. Expectation was on tip-toe. Men climbed up on fallen logs, women on the limestone rocks, and urchins peeped down from the leafy branches of surrounding trees, in order to see! Children cried to see! and mothers held them high in their arms to see! That slight girl had not yet uttered a word. But lo! now her lip quivers pale. Hush! she is going to speak. The murmur of the crowd dies away to a whisper, all hunger to hear. Will she plead for mercy? mercy, the last prayer of the *wretched*, when hope is departed? No. For she knows there is no pity for *her* there. Still she begs—"Uncle Buck, for Christ's sake, let me have one more drink of water, before I *die*?" And what answer did the "*called and sent*" minister of Jesus make to the petition of the dying? A beautiful rill was singing its silver song not ten feet from the foot of the gallows-tree, but he heard it not, heeded it not.

He only replied in his hoarse, harsh, guttural *snuffle*, "It is not worth while you will soon be where you will not want water any more!"

Three seconds more—and the body of poor "Lucy" was suspended, writhing, six feet from the earth, choking for breath, in God's boundless air.

Her last words were, "farewell mother, farewell, farewell." Then the *signal* was given—the fearful *leap* was made. The sky overhead remained blue and bright as ever, enamelled with ribbons of snow-white cloud; and the sun still shone with not a beam bedimmed. But for her, all was night.

They cut her down, and buried her at the root of the tree on which she was hanged. There she still sleeps. And never more shall the bugle of the pitiless overseer, at the rise of the morning star, awake her to the dreary toil of the long summer's day.

God be praised that a place of rest is found at last, for earth's heavy-laden ones—even in that house of death, where "the slave is free from his master." One little *leap* lands us on a shore, where the *oppressor* can never find us.

As I mused thus mournfully, by that terrible gallows-tree, I fell in love with "easeful death," and passed away from that pitiless crowd, in tears, murmuring to myself, "gentle death, thou art the giver of hope to *those* whose life is despair: happy grave—the cradle of the dreamless slumber, which the sound of chains cannot break—nor the whip-lash, nor any cruel wrong can alarm with a sudden fear, any more, again, forever.

It was now generally supposed that the terror of such an example, would effectually check the progress of bloodshed. Vain hope! For in this, as in most other cases, where the solemnities of the law lend their sanction—one execution was followed by a dozen new *murders*. The feeling of destructiveness is not to be allayed by *destruction*. The Tiger, in human nature is not to be tamed by the sight of other tigers torn in pieces.

To melt down revenge into true tenderness, one tear of mercy is more effectual than whole seas of blood!

About one week after the execution of "Lucy," the mulatto girl, another murder was committed on Cane-Hill, and within one mile of the spot where she was buried, under circumstances of horrifying atrocity, such as the whole history of assassination can hardly parallel.

On Cane-Hill lived a man, by the name of Wright, a hard-working, honest citizen—old settler; one of the first who had penetrated the cane-forest, fifteen years previously; and who, as well by frugal economy, as long-continued industry, had amassed a considerable sum of ready money. He was a married man, had an amiable wife, and half a dozen pretty little children.

One night after a day of hard labor in his corn-field, he retired to rest sometime betwixt eight and nine o'clock. The children were already asleep, but the wife had not lain down.

As the clock struck *nine*, she heard the large gate open, some fifty yards west of the house, and looking out through a crevice in the cabin logs, saw three men approaching. The new moon, about to set, shone dimly among the trees, not affording sufficient light to enable her to recognize who they were.

The house was a "double-cabin," as they term it in the west, consisting of two rooms, or rather pens, with a partition of logs, and a door-way between them. The three men knocked at the door several times without speaking. A sudden pang of fear and suspicion shot across the mind of Mrs. Wright, and she glided into the back room, where, concealed in the darkness, she could observe all that transpired. She saw her husband arise and open the door, and at the instant, the glittering blades of three bowie knives gleamed like lightning in the pale moon-shine, and were plunged, swift as thought into his bosom. With a single groan, he fell dead on the floor.

The wife saw no more, but fled out at the back door, and made her escape to the nearest neighbors, distant about one mile.

The assassins then proceeded to *murder* the innocent children. Two little sisters were sleeping in one bed, interlocked in each other's arms. These they shot dead, and then horribly mangled with their daggers. At this moment, a boy of twelve years old, and a girl of ten, aroused by the report of the pistols, sprung on the floor and endeavored to escape. The girl succeeded. She darted out at the door so suddenly, that they failed to arrest her flight, and the thrust of a bowie knife, by one of the demons in human shape, aimed at her bosom, fortunately did not take effect.

The fate of the boy was less favorable. He was laid senseless on the floor, by a heavy blow from the cock of a pistol, which fractured the skull, and deprived him of reason the remainder of his life. The murderers then rifled the house, set it on fire, and hurried away.

Two little boys, one of about eight, and the other six years of age, were sleeping in a truckle-bed under their father's, and had not been noticed by the assassins. These children, who had slept soundly notwithstanding the firing of the pistols, were now awoke by the roaring of the flames consuming the house above their heads.

As they rushed out at the door, they perceived their eldest brother lying, as we have seen, all unconscious on the floor, in a pool of his own blood. And then was seen the strength of a child's affection, and the wonderful presence of mind which that affection can often confer, amidst scenes of danger and death. The whole house was in a bright blaze, hideously crackling. The burning brands of boards and rafters were already falling down on the smoking floor. The two children had just arisen from their bed in a fit of consternation and terror, and were in a

manner naked, having no clothing around them but their short night-shirts, in which they were accustomed to sleep. But notwithstanding this, and all the horror and danger of their own situation, their love for their wounded brother triumphed over the fear of death. They caught him by the arms, and with their united strength, after a severe effort, succeeded in dragging him out of the midst of the flames.

Here they were soon joined by their little sister, who was hidden in some thick weeds close by, and they all, still in a state of the most dreadful alarm, sought shelter and concealment in a dense bower of wild vines, some fifty paces from the cabin.

About midnight a large crowd was collected around the appalling scene of slaughter. The house was burned down into one red heap of live coals, where, amidst the lurid light, the bodies of the father and his children were seen, parched, and fried, and blackening—hideous vision!

All night long that horror-stricken crowd remained there, gazing wildly on the smoking ember-heap of death—remained till the live coals should die out, and the hot ashes cool, that they might pick up and bury the white bones!

It was supposed that all had perished. But the next morning, as the sun arose, bright and beautiful as ever, as if there were neither death, nor tears, nor breaking hearts anywhere, in all the circuit of his wandering beams, the little children, who had made their almost miraculous escape, peeping from the green cover of the adjacent vines, discovered and knew their mother, and rushed with wild cries of joy into her arms. Then throughout the whole mass of assembled spectators every eye melted, and every heart hounded high; and many of the women actually screamed with delight!

The shock of blessed surprise was too much for the stricken mother. All night long, pale as the statue of grief, silent, absorbed, seemingly unconscious, she had stood, gazing motionless on that awful burning house of death—the funeral pile of all her hopes. Not a word had escaped her lips, white and fixed as those of a corpse! But now, when the little children, with streaming eyes, leaped on the bosom of the mother, her preternatural firmness gave way; she uttered one long shriek, as if her heart-strings were being snapped asunder, and sunk down on the ground in a swoon.

Hundreds, soon thousands, were assembled. Before noon of that day the committee of thirty and the Cane-Hill company were arrived, all, to a man. They had gathered with their rifles, and many bore on their shoulders muskets from the U. S. arsenal at Fayetteville—muskets with their bright bayonets fixed and glittering in the sunbeams. Preachers of Jesus came, with belted pistols at their waists and howie-knives fastened in their bosoms, whose white handles were not concealed.

The excitement was indescribable; for the spectacle was enough to madden even saints. Some swore fierce oaths; others muttered imprecations and curses of doomed death. Faces of crimson health were pale with suppressed passion, and the white cheek of the invalid reddened with the fires of revenge.

At last, on a motion from Captain Bean, who had remained calm, and seemingly cold as the rock at his feet, while all other souls were in a flame, a solemn vow was made, which Almighty God was invoked to witness—a covenant vow, by all present, "that they would never give over the search until the murderers were discovered and the foul deed avenged!" The sitting of the committee of thirty was declared permanent.

Let us pause a moment to survey, with some degree of minuteness, its *hall of justice*.

There is a beautiful little cone of a peak near the centre of the Cane-Hill group. With the exception of its western slope, its declivities, a little way down, are steep, wall-like precipices—in the phrase of the country called "*jumping-off places*"—and therefore almost inaccessible. The western side of the cone has a more gradual descent, and its western base is washed by one of those rills of limpid crystal, which we have before described as peculiar to that geological section. The whole area of the cone embraces not more than fifty acres. It is unfit for cultivation, on account of the numerous ledges of fine blue limestone that every-

where shoot in disrupted masses above the surface of the earth. It is, however, covered with a deep, dense forest of trees—oaks, walnuts, sugar-trees, and the mountain ash—all of gigantic size; and the soil is spread with a mantle of peavine, green as emerald and fine as silk, wrought all over with a rich flowering, by Nature's own fairy fingers, of wild blossoms of every hue, crimson and gold, and stainless white—as if one limb of a rainbow had there rested on the hill, and tinged all its blooms in the colors of heaven. And there, beneath a mighty oak, monarch of the forest, the committee of thirty organized their court. Sentinels were stationed, at suitable distances, around the cone, and in particular, a chosen band of twelve—men of known and desperate daring—guarded the rill that ran at the foot of the western declivity; for near that rill, in full view of the peak, stood the little village of "Boonsborough," through which the main road from Missouri to Texas passed—a road then thronged with emigrants for the South.

The first act of the committee marked the height of desperation to which the excitement had risen. They passed a resolution that every man in the community should prove, by other testimony than his own, his precise "whereabout" on the fatal night of the murder. That was placing every man's life at the mercy of chance, to establish a precarious *alibi*! And to show that they were resolved to carry out the rule of evidence to its extreme consequences, with the utmost rigor, every member of the committee and company, at the outset, was required, and actually succeeded in substantiating the *marvellous alibi*.

Then opened a scene as unique as it was ludicrous. Scores were arrested in as many hours, and called upon to prove their *innocence*. But as the testimony of wives, daughters, and sisters was received, *ex necessitate rei*, acquittal followed almost as rapidly as arrest. It would have been laughable, had it not been horrible, in the peril of the whole procedure, to see the farmer brought, all dusty from his cornfield, before the *inevitable* committee, and strictly examined, under a spattering fire of cross-questions. And then behold his affrighted wife, with her baby on her bosom, come forward and swear to the *miraculous alibi*, without which there was no salvation!

The committee might justly boast of one superiority—an incidental advantage resulting from its *new* method,—that never before was so much beauty in attendance on any court, as witnesses, within the historical memory of the species. Graceful sisters were witnesses for their brothers. And love-smitten maidens, with eyes of languid light, and cheeks blushing like red roses, came forward shaking their clustering ringlets, as they tripped like wood-nymphs over the sparkling flowers—to *swear* the mystic *alibi* for their sweet-hearts, since no one knew so well where the *dear* youths were, on the perilous night!!

CHAPTER III.

THE VICTIMS.

Hundreds had proven themselves clear. And it began to be doubted whether even the rule of blood-hound *alibi* would be able to scent out its *prey*.

Vengeance became impatient of the long delay, and the more fiery spirits began to talk of torture, as a necessary expedient to wrench out of the guilty soul, its dark secret.

At length five men were arrested, whom the committee appeared to regard with unmixed suspicion; for no other reason, that I could discover, than their refusal from the first, to unite themselves with the company; and the report of some remarks which they had been so incautious as to drop, in opposition to the Lynch law in general.

In order to a luminous understanding of the *sequel*, we must give a brief description of these *suspected* five, who were destined to be the ultimate victims.

William Bailey was one of those wandering gamblers peculiar to the south-west, who roam from place to place, hunting small bets; who are equally at home on the deck of a steamboat, or on the bench before the door of a backwoods grocery, provided only, they can get a hand at poker. They would "gamble with their God, for the stars," and run foot-races with the Devil himself, for a *treat* for the crowd!

Such was Bailey, a pale, meagre-looking fellow, whose eyes had an ominous squint, with a singular expression of countenance, half-roguish, and half-idiotic. The most remarkable moral feature in his character, was his invincible propensity to falsehood. To lie was as natural to him as to breathe. When, as we shall hereafter see, he was under examination by the committee, and his own life trembling in the balance, and wholly depending on the correctness of responses, he was unable to put two sentences together without the utterance of an *untruth*; and every single fact he stated, always contradicted its fellow immediately preceding.

The second of the fated *five*, was John Richmond, a man infected with the same unconquerable passion for telling lies; low, brutal, and filthy-looking in person; and in mind degraded as a Hottentot. He was in every way inferior to even Bailey; and in courage, he was beyond question, the most timid creature that ever hired a human shape! perhaps he never did actually take affright at his own shadow, but to a certainty, he never had bravery sufficient, at his moments of greatest heroism, to face the shadow of a living fellow man! There was so little of the *will*, the essential element of manhood, in his intellectual composition, that it is doubtful whether he was capable of comprehending the mere meaning of the word!

The third on the list, was Thomas Jones, of a type of character entirely different. Although scarcely twenty years of age, he was a Hercules at once in size and in courage. He was an industrious blacksmith, but unfortunately addicted to intoxication. With that exception, his fame was irreproachable. For in the code of western morals, we are not to reckon among his *peccadilloes*, his belligerent habits, which were in that vicinity as much *respected*, as they were *feared*. But although he was "sudden and prompt at quarrel," he was also placable and humane. As a single rude word could provoke him beyond endurance, so one kind look could appease his wrath, and check it even in "mid-volley."

Generous to a fault, he was ever the champion of the *feeble*. The poor drunken Indian, when insulted by the bullies of civilization, always found a protector in Tom Jones. When in a "glorious spree," of a Saturday night, after his week's work was ended, it was needless to bid any one beware the "Mississippi Alligator," as he termed himself. The veriest stranger would, at a glance, comprehend his *stuff*! At *fisticuffs* he had few *equals*, among either *whites* or half-breeds; but in the play of bowie knives on breast bones, he was absolutely without a rival!

The fourth in the catalogue of victims was Ellerey Turner, a youth of eighteen, tall, slender, fair-haired, and with features regular, delicate, and even beautiful in their cast, as those of a woman. His eyes were mild, yet beamy, and blue as the tints of that southern sky. The whole expression of his countenance was chaste, sweet, and artlessly simple as the looks of a child.

Ellerey Turner was made to be loved, and he was loved as truly, tenderly, deeply, as his own heart responded in the mutuality of its love. He was affianced (when that dreadful calamity fell upon him, crushing, grinding both hope and life into the dust,) to Rose Quinet, a French Quadroon Cherokee girl, as beautiful in person as himself.

He had a helpless mother and little sister, ten years old, wholly dependent on his labor for support. He was a laborer, and a more diligent one never cultivated the earth's grateful soil. And notwithstanding his limbs had been cast in a slight mould, they possessed great activity, and a toughness unyielding as tenacious iron. And though womanly in form and feature, he had the will of a hero, both to *do*, and to suffer. His voice had the clear, ringing tones of a bell, heard at morning in

the backwoods, and natural eloquence flowed from his tongue free as water from a mountain spring.

Under fortunate circumstances of education, and social position, his fame, like a star, might have gone up the arch of everlasting time, never to go down. As it was, he * * * * *. But we shall see.

The fifth and last victim was James Barnes, in every way the most remarkable among them. A finer specimen of physical organization was never given to my view. He was six feet in height, with a chest large, round, and compact as an *antique gladiator*. His limbs looked as if they had been—not born of ordinary nature—but chiseled out of some material of more than human mould, by the free force of exquisite art. The round bones lay imbedded in swelling muscles, that when he moved, seemed to quiver with energy and grace, as if they were bundles of magnetised fibres. In all the south-west I have never met with a man his peer in bodily prowess. He never carried weapons, as is the nearly universal custom of the country, but relied, in every emergency, on his own gigantic strength of arm, and the cool intrepidity of soul, that knew not to fear or falter in danger. The single might of that arm had gained him the victory in desperate conflicts, where daggers and pistols were arrayed against him.

His head was of a large size, from which fell, in wild luxuriance, long rolls of curly black hair, waving dense and dark around his broad shoulders, and veiling from the view his immense mass of neck. His forehead was ample in both height and breadth, and especially prominent in the region of the *perceptive* organs, which lay above his eyes of *dark fire*, like *jutting* cliffs of marble.

The previous history of this man was deeply tinged with the romantic, not to say the marvellous. He ran away from his father, a man of great wealth in the State of Missouri, when a mere boy, and wandered first among the wild tribes of the West, and subsequently, all over nearly every state in the American Union. He paid his way by *betting* on his own speed in the foot-race, and in hundreds of such contests he had never met with a defeat. He used to say, in jocose banter, "that he would bet on beating a *streak* of lightning and give it ten feet the start, in a *dead set* for a hundred yards!"

Thus had Barnes continued to rove at will until the age of twenty-five, when *he fell in love* with an amiable maiden of some wealth, and the most beautiful being I ever beheld, who reciprocated his ardent affection, and consented to become his wife. They were married, and the wanderer settled down near the Cherokee line, in Arkansas, as a country merchant, in a small way. He had been wedded some three years, was accumulating property, rising in public esteem, and had become the father of a most lovely little boy—another self—the very image of the father, when the fatal misfortune overtook him, and all his visions of future happiness melted away like the golden mist of a dream!

These five men had been sought out, and arrested in different places. Turner was taken at his plough, Barnes in his storehouse, and Bailey, Richmond and Jones, from a grocery, where they were deep in a game of "*seven-up*." There was an incident rather *ludicrous* in the arrest of Jones. In the south-west they never say "grocery." They designate that interesting *locality* by the more euphonical appellation of "doggerly."

But as there are different kinds of doggeries in essential character, as to respectability, and as backwoodsmen abhor circumlocution in speech, they have contrived an easy method of denoting the two general sorts of doggeries, those of the highest, and those of the lowest grade, by a difference in the sound of the final syllable. When they are speaking of a genteel doggerly, they sound the last syllable like *e*—"dogger*ee*." But when they refer to one of a lower order, they give the last syllable the sound of *i*, with a long accent, as "dogger*i*."

Now, the aforesaid Jones was something of a poet, and had made a choice little song, in which these different sounds of the final syllable in doggerly, played an important part, as rhyming terminations! Intently occupied with the game then in progress, he was singing, or rather roaring out in stentorian bass, unconsciously from long habit, the first stanza of his aforesaid song:—

"On the wings of love I'll fly,
From doggerie to doggerie!"

The three were so deeply immersed in the chances of the game, that they did not perceive the doggerie was filling slowly and silently with armed men. Still they fiercely *shuffled* their cards, and slapped them down with hard blows on the table, which was the head of an old brandy barrel. And still Jones every minute roared aloud his favorite stanza, "On the wings of love," &c., occasionally alternating it with the last verse in the song:—

"The stars *shine* in the hollow sky,
But I *shine* in a doggerie!"

At length, sudden as thought, all their dispositions being arranged, the lynchers seized the unconscious three. Bailey and Richmond were instantly overpowered, their hands pinioned behind them, and the rope knotted hard and fast. Not half so easy a task was the securing of the poet, Jones, although half a dozen had pounced on him at once. Some had snatched his pistols from his belt, and his bowie knife, "tooth-pick," as he called it, from his bosom. Several had grasped his wrists, one had seized him from behind in a hug hard as a black bear's. But he made one mighty sudden effort, and shook them all off, as a lion shakes the dew-drops from his mane. Some he knocked down sprawling on the floor with his right hand, some with his left. Some he lifted from the earth, and sent to the opposite wall with a single kick of his foot. But the lynchers, in the meantime, though astounded by the desperation of the giant, were nothing daunted. They were all too familiar with such scenes for that. As fast as some fell before the big blows of those *fists*, which looked like sledge-hammers, others took their place. A half-a-dozen pistols were fired at the desperado, without effect. His head was gashed by the stroke of clubs, which still failed to bring him down. Some *tickled* his ribs with their bowie knives, though so rapid were his motions, and so great the dread of those fearful blows he dealt around in every direction, that he was not wounded in a vital part.

At length Captain Bean worked his way through the crowd, within a proper striking distance, and felled the modern Sampson to the earth with a heavy club. He was then secured: and all three marched off to the stern tribunal.

Bailey was the first one examined. His response was a tissue of contradictions. Every sentence was a falsehood, which always seemed to be uttered for the purpose of augmenting the suspicions against himself. So that the committee of thirty at last concluded that he was an idiot; and as he established the *sine qua non*, alibi, he was restored to liberty for the time being.

The examination of Richmond's case occurred next; and terminated pretty much in the same manner.

Then, Jones was called before the committee, to pass through the fiery ordeal of judicial investigation. His appearance was absolutely appalling. There were two or three deep red gashes on his face, marks of his recent conflict—gashes still unbound, save by the self-supplied bandage of clotted gore, which had gradually dried up, and thus repressed the farther effusion of the kindred veins that supplied its source. His long yellow hair was dabbled and matted with blood, from the many deep wounds on his head. His countenance was frightfully ferocious with a passion now impotent from his situation; but, loaded with chains as he was, many a face turned pale as he was brought forward, under a guard of six men with pistols, some cocked and ready in their hands.

"Uncle Buck" opened the examination by requesting, in his hoarsest tones of solemn guttural, the Blacksmith to inform the committee where he was on the night of the murder. The eyes of Jones literally flashed lurid sparks of fire, as he shouted his reply in a voice of thunder,—*"Go to hell and find out, you d——d old hypocrite, if you want to know. You may kill but you can't scare me!"* and then followed a torrent of denunciation against the lynchers in general, and almost every member in particular, bitter, boundless, in its coarse invective, as any ever uttered by an attorney feed high in a capital case. Some of the committee began to talk about *burning*. But such threats had no effect upon Jones; for, as he used

to say of himself—"There was not a drop of coward blood from the top of his head to the end of his big toe!" He never opened his lips in answer to a question of the president, but to emit taunts and curses.

Accordingly the committee were preparing to execute their favorite punishment, by trying the combustibility of their victim, when a *respectable* man, who lived near the Indian line, having been informed of the arrest of Jones, and knowing his innocence, came forward voluntarily, and after being sworn, deposed, "that on the unfortunate night of the homicide, Jones was drunk at his grocery—so drunk as to be incapable of getting away; and that he had locked him up there until morning!" So here again the committee were balked. Jones was also liberated.

James Barnes was next examined. His bearing was heroic yet dignified. The clearness of his statements and the promptitude of his replies to all interrogations, manifestly disconcerted the committee. Not a tone of his manly voice, not a line of his features, indicated either wrath or fear. He stood as if he were upon a serene eminence, far above the base passions and mean revenge, of that excited and sensual crowd. His retorts to expressed or implied insinuations, were caustic and withering. Some of his expressions were eloquent to sublimity. The peril of the emergency had changed the man. He was the foot-racer, James Barnes, no longer. He was a hero—a king, and the free force of an immense Will was his sceptre. His high, imperturbable demeanor awed, almost disarmed, the fury of his foes, in spite of themselves. For there is a quality in true courage, that commands respect from even wild beasts. It was only when a proposition was made to bring up his wife for examination, that he lost, for one instant only, his sublime self-control. A blush of burning crimson flashed over his brow, his lips turned white as ashes, and his dark eyes gleamed, with a blue-greenish color, like the orbs of an enraged rattle-snake.

The expression passed away in a moment, and was succeeded by one mild and mournful; and those black, blazing orbs filled with tears of saddened torture. That was a fearful sight to behold. The bravest man in the backwoods wept like a child! Wept, not for his own wrongs, but for the indignity about to be offered to one dearer than his own soul—the beautiful young wife of his bosom!

The keen vision of the committee-men detected the sudden emotion, and misinterpreted it as the token of guilt. And so the infamous proposal was resolved without a dissenting vote.

The wife of Barnes, who had accompanied her husband to the adjacent village of Boonsborough, before mentioned, was accordingly ordered before the reverend committee. She came in tears, with her little boy in her arms.

When she first approached the president's chair, a long black veil concealed her features. Her steps were trembling. She glanced slowly around the assembly, till her eyes rested on *him*, who was her heart's life, standing there in his chains. Then she made one quick bound to his bosom, and with choking sobs, threw one arm around his neck—the other held her child. And the poor child, it too murmured, "father," and wept because its mother wept!

A few minutes passed in that dumb show of grief. For what heart is there beating in a human bosom, so icy cold as not to feel a gleaming of warmth beneath the presence of the universal sunshine of holy love? Holy in its sorrow, as well as in its joy!

At length, the president informed that wife, trembling in her fear that emanated only from her infinite affection, that it was necessary for her to undergo an examination in reference to the charge made against her husband. And some brutal, unfeeling wretch, (I have forgotten his name, or I would gladly hold him up to the execration of the world,) suggested that *they* ought to have a full view of her features, so as to be able to decide, from her countenance, the credibility of her narration. And accordingly, she was required to raise her veil!

The mandate was obeyed. And then was seen the effect of peerless and chaste beauty on men mad with irrational excitement. An expression of pleasing surprise passed as a gleam of sunshine through the clefts in a gloomy cloud, over many a face before dark with scowlings of vengeance. An involuntary *murmur* ran from lip to lip, "She at least is innocent," to which responses replied, "Both

are innocent, both are innocent!" There was something in this instantaneous *change*, that touched me even to tears. It was to me another confirmation of my favorite theory—*That man never becomes wholly degraded, either by passion or education*; that a divinity *lurks* in concealment at the profoundest depths of every human heart, however fettered by custom, and however obscured by evil emotions—that *divinity* which responds to beauty, and *worships virtue* as itself *divine*! Human nature may become rotten in its *faith*; but the heart is always sound!

I had, when a boy, read the fable of the hungry lion, that ceased his roaring, and grew tame before the loveliness of a virgin, in her pride of grace. Now, I saw the fable realized, as a man!

Indeed the beauty of that woman was of the rarest order. The charm of enchantment was not so much in her sylph-like figure, her azure eyes, dovelike in their artless tenderness; her hair as fine as the morning gossamer, and yellow as refined gold, whose ringlets looked bright as plumes on the wings of love himself. No, certainly, the witchery, the mystic spell lay not in these, so much as in an indescribable, angelic sweetness of countenance, sweet but mournful, and warm as gentle pity, yet chaste as the sunbeam, when it kisses the pale cheek of a summer cloud!

Pardon this episode, courteous reader of the great city, pardon, nor deem this exaggerated eulogy on a simple wife of the country, unadorned in her dress, and rustic in her manners. For, know to a sacred certainty, wherever God has given to man *woman*, either in the city or the country, he has vouchsafed beauty and virtue also along with her. I have been a traveller from my boyhood. I *have been*, and *am*, a pilgrim. The world is my shrine, and everywhere, even among the rudest savages, as well as among people the most civilized, robed in rags, or rustling in Persian silks, have I found those angels with bright hair, dear sisters of the common humanity, ministering at the altar of eternal beauty, the divine *incense* of love, in the golden *censer* of purest *virtue*!

Doubt not, brethren, but believe. Our depressed, slandered human nature is richer than the poor skeptic deems. It is not God; but it is God's!

And so that beautiful woman was heard, with feelings attracted towards the truth of her story, under a prepossession exercised primarily in favor of her radiant loveliness only.

Her narration substantially corroborated that of her husband; and as two other witnesses confirmed her statements, another *alibi* was clear, and Barnes was also freed from his fetters.

Ellerey Turner, the last of the five, was then arraigned. He came not to the fearful tribunal alone. By his side, among those armed men, was Rose Quinet, his *affianced*, the Cherokee Quadroon previously mentioned. For in spite of the remonstrances of her mother, on learning his danger that slender girl, of wild-hearted instinct, had hastened to the presence of her lover, and now for three days and nights had sat by him in his chains.

I shall not attempt to draw a portrait of the beautiful Quadroon. I will request the reader to paint the picture, in fancy, for himself. I will drop but a single hint to aid him.

Gentle reader, are you a citizen of New-York? If so, you often walk in Broadway of a Sunday evening. And if you walk in Broadway of a Sunday evening, you must have noticed, (if you have eyes,) yes, you could not help but notice, amidst the flow of the living stream of fair faces, over-crowned with those bubbles of snowy coiffure—love-bonnets, that glide on the air as if their fluttering ribbons were wings—aye, one star in the moving constellation of serenest, or sweetest, or sunniest beauty, more beautiful than *all the rest*; a slight, child-like brunette, whose eyes beat all the diamonds in the world, whose hair falls in slender wavy curls, *unbraided*, free, far down her shoulders, and around those veiled rose-bud breasts, twin pillows for sleeping Eros, curtained with curls of jet, dark-glossy as the plumes of the raven, seen in the light of the setting sun. Her face is small, and round as if cut with a sculptor's chisel. You could span her waist with the clasp of your two hands. Her dark brow is pensive as night, when coining out of all its stars celestial songs for the ear of the poet. She ever moves alone, like the

queently moon, that pale orphan of the sky, as if she had no friend or relative on the earth. Her fairy feet are small as a child's, and do not walk, but glide! Are they plumed with invisible wings? Had I all the wealth of the world, an empire for my heritage, a throne instead of a writing desk, a sceptre in place of a pen, I would give it all to possess such a treasure, and reckon the exchange a great bargain!

Such is the beauty of Broadway, that walks of a Sunday evening. But more beautiful than she was Rose Quinet, the Cherokee quadroon, affianced to Ellerey Turner, the youth accused of murder.

When he was called before the committee, as I said before, she came with him, and sat down before him, with her look fixed, during all his examination, steadily and tenderly on his face alone. She seemed, in fact, unconscious of any other presence.

As a specimen of the method observed by the committee in their investigations, I will here set down the examination of Turner in the *exact* words of the questions and answers, as nearly as I can recollect them.

Uncle Buck.—(With infinite solemnity.)—Mr. Turner, will you please inform the committee where you were on the night of the murder of Wright and family?

Turner.—(In a calm, clear, silver-ringing tone of voice.)—I wish first to be informed what right you have either to question or suspect me?

Uncle Buck.—It is needless to talk about that. We have all gone through the same examination, and you must do so too.

Turner.—But you were not examined in chains?

Uncle Buck.—(Disconcerted.)—There was no ground to suppose we were murderers.

Turner.—And what ground have you for supposing that I am a murderer? Is there any one among you that toils for his daily bread more industriously than I? You have all known me from my boyhood. Say, as honest men, have you ever heard a charge against my character? Have I ever, until now, been accused of any crime, unless it be a crime to be poor, and to work for the support of my mother, and the schooling of my little sister? Tell me, therefore, before I am compelled to answer, what circumstances of suspicion can ye urge against me?

Uncle Buck. (With increasing ferocity.) "It is suspicion enough, that you seem unwilling to tell *where* you were when Wright's family were butchered. Let us be done with your impertinence, and answer immediately, the questions put to you!"

Turner. (With a slight bitterness in his accent,) "But *reverend* sir, will you be so obliging as to inform me what consequences will follow, suppose I do not see proper to answer you?"

Uncle Buck. (In the growling tone of a mad bear.) "You will be roasted *alive*, that is all!"

Turner. "Then I have only to assure you positively, and once for all, that I *will* not answer your *question*."

The face of every member of the committee assumed a look of blank astonishment. Such temerity seemed inexplicable. Directly they collected closer together in little knots of groups, whispering in under-tones, darting all the while vengeful glances at Turner, who still stood there, calm and motionless as a statue of marble, with Rose seated on a block of blue limestone, at his feet, looking mournfully at his face, seemingly hurried in unfathomable thought.

Five minutes or more elapsed, when Captain Bean arose and in a cool, business-like tone, ordered a heap of dry brush-wood to be piled up at the foot of a hickory tree, which he pointed to with his finger.

Several persons hastened to obey the mandate; and in ten minutes more a large brush-heap was built up on the spot designated.

During this interval, Rose was seen to rise from her sitting posture, and whisper long and eagerly in the ear of her lover, as if she were striving to *persuade* him to do something repugnant to his wishes. And ever as her earnestness increased, he was seen to shake his head, as in denial. This only seemed to intensify the fervor of her petitions. Her countenance grew eloquent in its pleading look of entreaty. Her gestures became vehement. Her brow was mantled with blushes.

A large tear gathered in her deep, black eye. And in the wilderment of her anxiety, she threw her beautiful round arm over the neck of the youth, *there*, in the presence of that truculent crowd.

Her spell was broken by another order of Captain Bean, uttered in the same cool, slow, severe tones—"Johnson Coulter, will you be so good as to go and bring us a torch of pine knots."

A frightful shudder shook the limbs of that poor girl for an instant, and then she turned hastily to the clerical inquisitor's chair, and said in a low, sweet voice, that almost imperceptibly trembled with emotion, "Uncle Buck, I will answer for *him*, since it is on my account he refuses to answer for *himself*. He staid all night at mother's, on the night of the Cane-Hill murder. He staid with me. Mother was away from home." And the dark cheek of the *beautiful* being *blushed* red as a summer sun-set, and her gaze fell down to the green grass, at her feet. A beastly sneering smile passed over the faces of some of the committee. But these were beasts. They mostly looked puzzled—all but the rubicund visage of Uncle Buck, who seemed to rejoice at another chance to play the *inquisitor*. So essaying to mitigate the hideous *bags* of that *guttural*, (which he had acquired partly, by the habit of preaching long and loud at camp meetings,) so as to render it suitably mild, for an address to the ears of a female, the hoarse *minister of mercy* proceeded to question *her*.

"But my dear Miss, have you any proof of what you state? for it seems to me that you are an *interested* party: (and *here* Uncle Buck strove to pucker up his fat features into a jocose smile,) a wife is not allowed, in law to testify in behalf of her husband. You are engaged to be married to Mr. Turner, I believe?"

Rose. I am.

Uncle Buck. Then, in that case we cannot admit your bare, unsupported evidence, my pretty maiden. We are sorry for you; but we must be governed by the legal rules of evidence.

Rose. But have you any proof against Ellerey?

Uncle Buck. That is not to the purpose. We have laid down the rule, that every person must prove his own innocence or bear the consequences. There is no other method of avenging the atrocious murder.

Rose. You are a learned preacher of the Gospel, and I am an uneducated Indian girl—but I would humbly ask, if such a rule is either the justice of the law, or the mercy of the Gospel of Jesus Christ.

Uncle Buck. (With a savage frown,) We have taken the law into our own hands; and the Gospel has no mercy for murderers and thieves.

Rose. At what hour of the night was the murder committed?

Uncle Buck. About nine o'clock.

At this reply a joyful smile of triumph beamed out on the lovely face of the *Quadroon* maiden; and she responded quickly—"Ye will not believe me; send to Boonsborough, for Abel Thompson, and he will satisfy you that all I have said is true." Then she turned with a look of meek hope, away from the *clerical chair* of the backwoods inquisition, and resumed her position at the feet of her lover.

The committee manifested great surprise when she named Abel Thompson as a witness, to confirm her statements. He was a citizen of Cane-Hill, well known and highly respected.

After a few minutes consultation, he was sent for—appeared in less than half an hour; and being sworn, testified "that on the fatal night of the murder, he was returning home from Fort Gibson, where he had been on business; that from the circumstance of his having an appointment early the following morning to meet a friend on Cane-Hill, he was compelled to travel nearly all night; that about ten o'clock, he passed Mrs. Quinet's in the Cherokee Nation, and being very thirsty, called and got a drink of water; that Rose Quinet on recognizing his voice, when he asked the negro girl for water, came to the door and kindly invited him to alight and take supper, which she said was then ready on the table. That having travelled all day without stopping for dinner, he was quite hungry and therefore gladly accepted the invitation; that he found Ellerey Turner there; but that Rose informed him that her mother was away from home."

Abel Thompson concluded his statements, by remarking "that as Mrs. Quinet resided about twenty miles from Cane-Hill, and as Ellefey Turner was there at ten o'clock, he must necessarily be innocent of the crime suspected."

And so here again another *alibi* was proven; and Turner was also liberated.

The committee then held a secret meeting, from whose sitting all strangers, all spectators were excluded; and soon adjourned indefinitely

CHAPTER III.

THE VICTIMS AGAIN ARRESTED.

About one week after the date of the proceedings enumerated in the last chapter, a general muster of militia was had on Cane-Hill.

In the meantime, from the irritation produced by the memory of those shameful wrongs, the *five* who had suffered most keenly, had, as a matter of course, said many hard things concerning the Cane-Hill Lynchers, in which censure their friends had joined, and a strong tide of popular feeling was beginning to flow in their favor.

The committee had also secretly instituted a base system of *espionage*. And the meanest of mankind,—*loafers*, who lived but around the groceries, made due report of every word uttered against the Lynchers by their enemies, often of course, with manifold exaggerations.

Thus, an extremity of bitterness of feeling pervaded the community. Mutual recriminations and bloody threats were made on either side. And when the general muster came round, the better and calmer portion of the people were in dread of some fierce outbreak of wrathful passion, that should result in a state of civil war, or in assassinations still more disgraceful.

The parade however went off quietly enough. And that being over, the militia betook themselves, according to the custom of the backwoods, to the groceries for *grog*, fun, and frolic, which generally end in a "glorious row."

On this occasion it was like the mingling of fire and gunpowder. The explosion was instantaneous.

Barnes, Turner, and some half a dozen friends entered a whiskey-shop, where a hundred or more lynchers were already "half seas over," and called for a set of glasses.

Johnson Coulter, one of the most ferocious-fiery members of the Cane-Hill company, addressed them with a loud oath, saying, "that gentlemen would not allow d——d murderers and robbers to drink in their presence," and suiting the deed to the word, forthwith whipped out his bowie knife, and presented its point at Barnes' breast. And then the general fight commenced.

We have stated before that contrary to the custom of the frontier country, Barnes never wore arms. His almost Titanic strength of *muscle* sufficing him for every emergency.

So at the very instant Coulter made his murderous gesture, with one blow of his fist, Barnes struck the right arm of the desperadoe powerless down to his side; with his own left hand seized him by the throat, and striking with his right hand, every adverse foe; fighting against dozens at once, who crowded into so small a space only embarrassed each other's motions. He dragged his first assailant out of the room; threw him rudely on the earth, and set his foot on his neck!

In the meantime Turner had fought his way out of the Grocery also; and finding Barnes near the door, handed him one of his bowie knives, (on that day he wore two,) and a Deringer pistol. Thus armed the crowd made way, and

left an open space around them. Barnes then took his foot off Coulter's neck, and let the wretch go, remarking "that he disdained to pollute his soul with the base blood of a coward!"

Many pistols had been fired in the grocery, and several men on both sides were severely wounded; but fortunately no lives were lost.

While circumstances thus stood, a friend approached Barnes and Turner, and whispered to them that Captain Bean and some fifty of his men were loading their rifles, and would be there in a moment.

The two heroes then made an immediate retreat, taking two wounded friends along with them. The crowd recoiled, opened to the right and left, and let them pass.

Captain Bean and his rifles arrived the minute after, but they did not see fit to follow their retiring foes.

This occurrence created a still greater excitement. The lynchers discovered that they had to deal with the most determined and resolute of men. And as we naturally fear those whom we have wronged, they began to regard Barnes, Turner, and Jones with unmingled dread. They could not but believe, (judging others by themselves,) that men of such unequivocal courage would seek the earliest fit opportunity to avenge an outrage, as cruel as it was publicly perpetrated. That night they held a secret meeting, the resolutions of which we have had no means of learning.

A few days afterwards it was rumored that new and startling evidence had come to light. The committee was again assembled, but in private session, to which no spectator was admitted.

Hundreds of people collected at Boonsborough, with eyes eagerly cast on the Cone, where the Committee sat, anxious to penetrate the mystery in which their present proceedings were shrouded.

A well-known *girl*, who lived on the line, not far from Barnes' store—one who belonged to the order of pleasure—was seen passing through the village, and ascending Committee-Hill, accompanied by two chosen members of the company.

About two hours afterwards a select band of fifty men, armed with rifles, pistols, and bowies, mounted their horses and galloped off southwards, in the direction of Barnes' residence. All men felt satisfied that this band were bound on some daring enterprize. For not only were they all picked men—men of tried bravery—but Captain Bean rode at their head, with a double row of pistols in his belt and a double-barreled shot-gun of the largest calibre on his shoulder, with each hammer at half-cock. He doubtless thought to take his enemies by surprise; but in this he was mistaken. For whether some secret friend had informed the destined victims of the mysterious signs of approaching danger, or recent occurrences had put them on their guard, I am unable to say; but certain it is, that when Captain Bean and his band arrived near Barnes' house they discovered it to be in a state of menacing defence. Barnes himself, Turner, Jones, and some half a dozen of their friends were assembled. And when the assailants got within fifty yards of the door, some eight or nine long iron tubes, of the biggest bore, were suddenly protruded from port-holes cut in the walls of the log-cabin.

The advancing column of cavalry hesitated, recoiled, and beat a hasty retreat to the cover of an adjacent grove of trees. There a hot and hasty debate took place. Some were eager to hitch their horses and make a headlong rush on the house. But this proposition was opposed by the more dispassionate, who alleged that it would be certain death to half their number at least, thus to charge on a place so fortified, and defended by men who would dare every extremity. And finally, as Captain Bean concurred in this opinion, it was determined that they should return, leaving their foes for the present without molestation. So they went back to Cane-Hill as they came, with the addition of a somewhat lugubrious, crest-fallen countenance, sadly anticipating the jokes that would be uttered at their expense; for there is no grace which a backwoods-man so much dreads as an imputation against his courage, as that is generally regarded the chief of the virtues—a virtue that, like charity among true Christians, "atones for a multitude of sins!"

When the report of their failure was made to the committee, it filled them with

astonishment. A new *phase* in the progress of lynching was seen to have been developed. Henceforth there must be taking before hanging; and taking now bade fair to prove the most difficult, and by far the most dangerous part of the process.

Various opinions were expressed as to the next step to be taken. Some were for assembling their entire force, committee and all, and for marching immediately on their enemies, and take or slay them, at whatever cost.

Uncle Buck, president, Sam Harris, and other Reverends, advised to wait till they could send to Fayetteville and procure the two pieces of cannon, and then to proceed to Barnes' house, and from a safe distance, planting their artillery out of rifle-range of the cabin, to batter it down, killing all, men, women, and children!

A murmur of approval greeted this *merciful* and *Christian* advice, which also possessed the needful advantage of not being over-perilous in its execution.

In the deliberations of the committee Captain Bean always spoke last. On this occasion, after all had expressed themselves—some foolishly enough, too—he arose, and in a few sentences satisfied all that the best course, for the present, was to break up their sitting, return to their several homes, profess themselves convinced of the innocence of Barnes and his associates, and thus throw them off their guard; and hold no more meetings until the guilty were arrested, which he assured the committee, if they would adopt his plan, he would warrant himself, should take place at an early period.

And this infamous course was agreed on; hypocrisy was added to revenge, and the committee once more adjourned, *sine die*.

The rumor was then industriously circulated, by Captain Bean's emissaries, that the committee and company were perfectly satisfied as to the innocence of the men whom they had so lately denounced as certainly guilty. And to make sure of the effect intended to be produced by this rumor, Captain Bean, alone and unarmed, sought an interview with Barnes, and assured him, with the most solemn pledges of his oath and of his honor, that the committee, to a man, were all now assured of his innocence, and of the innocence of his friends, having become thoroughly convinced that the murder had been committed by the Indians.

The vile stratagem took. Barnes and his friends disarmed themselves, and returned to their ordinary avocations.

About a week afterwards Barnes, Turner, and Jones, were engaged reaping in a harvest-field, when they were suddenly surrounded by two hundred men, headed by Captain Bean; and being wholly without weapons, or any means of defence, were arrested, taken to a blacksmith's-shop hard by, once more, and for the last time put in chains, and hurried off to Cane-Hill, to appear again before the committee of thirty.

And now again that committee was in session, on the same *judicial* cone. The whole strength of the company was called together, and thousands of anxious spectators collected at Boonsborough, from all parts of the country, even from southern Missouri, and from the Indian territory.

Through the intervention of a friend I was permitted to be present at the deliberations of the committee, and to see and hear everything that happened. Several other members of the bar obtained the same permission. This time the committee sat several days in succession. Many witnesses were brought before them and examined; but their testimony was exceedingly slight. It mostly related to looks; tones of the voice; mysterious gestures; words let fall in fits of intoxication; expressions of hatred towards the men, or the actions of the Cane-Hill Company, uttered in a state of passion, by those now doomed to be the victims, or by their relatives and friends. All the rules of legal evidence were outraged; all the ordinary methods of proof were set at naught. Hearsay, vague rumor, were solemnly installed in authority. A shake of the head, a shrug of the shoulders, were regarded as unquestionable proofs of guilt. A change of countenance from red to pale, observed even by moonlight, was gravely related as an infallible symptom of a conscience ill at ease; and every word disapproving the proceedings of the lynch-ers was set down as a positive proof of murder.

On the third day of this last session of the committee, appeared as a witness the girl of the "*free series*," before alluded to—Ann Mitchell. Red-haired, red-

eyed, brazen-browed, and half-drunk, her presence produced, in the cant phrase of fashionable life, quite a *sensation*. The young laughed: the old looked grave. The preachers groaned.

As for myself, though by no means an *ascetic*, I must confess I felt a cold shudder creep over me when "Romping Ann," as she was commonly called, kissed the Bible, with a loud smack, and commenced her narration, with an air at once pert and pompously ludicrous.

She stated that John Richmond, one of the parties arrested, was her lover. That some two weeks previously he had staid all night with her. That he was drunk, and said to her that he had a secret to tell her if she would promise to keep it. That she gave the promise demanded, and he then told her, "that himself, James Barnes, Ellerey Turner, Thomas Jones, and William Bailey, were the men who murdered Wright and his family; and that if she ever said a word about it he would kill her *on sight*."

It is needless to say that this story was the very extreme of improbability, bordering close on the *impossible*. For no conceivable motive could be assigned for the disclosure which the witness detailed. It was not likely that Richmond, weak as he was, so soon after his late peril, would voluntarily reveal so bloody a secret, and to a character so notoriously infamous as "Romping Ann."

Still there is a mystery in the fact of her testimony, which can only be explained on one of two suppositions. Either she stated the truth, or, as I believe, she had been paid, by some *infernal* in the service of the company, to trump up the story, so as to give a pretext of justice to the vengeance which many regarded as already too long delayed.

Be this as it may, the committee seemed satisfied with her statements, and resolved to act accordingly.

John Richmond was then ordered before them, and informed of the evidence detailed against him. He turned pale as a corpse. And this circumstance was considered an absolute demonstration of his guilt. He was then told that he could expect no mercy unless he made a full confession, both as related to himself and his accomplices in crime. But although evidently frightened almost out of his wits, the poor wretch solemnly affirmed his innocence. Every stratagem was used, to work both on his hopes and fears, but without success. He was then stripped naked, tied to a tree, and whipped with young hickory switches, till his bare back was cut into ribbons of gory skin, and the blood ran down and stood in red puddles at his feet, staining the greensward crimson. Several times during the terrible flagellation he fainted; cold water was thrown in his face; and still on his revival to a state of consciousness, he was urged to confess, and still he persisted, with unlooked for obstinacy in one so craven, in the assertion of his innocence.

At length, concluding that no degree of torture of that species, at least, could extort a confession, the committee ordered him to be unbound from the tree. His clothes were put on, and preparations were made to *burn* him. They commenced building a large brush-heap, composed of dry oak-limbs, interspersed with rich pine-knots.

Richmond, as well as all the other prisoners, wore a heavy chain of iron, one end of which was hard riveted around the neck and the other was fastened to the ancle. These chains were twice the length of a man's body, so that when the *supposed* culprits walked they were compelled to fold up their middle portions, and carry the links in their hands.

As his funeral pyre grew rapidly in size, by the addition of fresh heaps of brush-wood and larger heaps of fat pine, I saw a change come over the countenance of Richmond. A look of intense determination gleamed in his eye. His thin lips were tight compressed between his teeth, which showed sharp and white as ivory. His nerves ceased to tremble. Gradually and imperceptibly he gathered up the folds of his chain, and so softly that its clanking was hardly audible.

Then suddenly making a great leap, with his utmost strength, he cleared himself from his immediate guards, and fled swiftly down the hill.

The movement was so sudden, that it took almost every one by surprise; all but one who was guarding him,—a young man by the name of Dunn. He, like

myself, had observed the change in Richmond's demeanor before he *broke* away, and divining its meaning, had cocked his pistol in his pocket and had his finger on the trigger.

And so at the very instant Richmond ran, Dunn drew his pistol and fired within a few feet of his back. But strange to say, the bullet missed its aim, ranging too low—grazed the cheek of Uncle Buck, and pierced deep into a walnut tree, against which I was *sitting*, within three inches of my head.

The first emotion of surprise being over, all joined in a hurrying pursuit.

Richmond not understanding his massy fetters of iron, clanking like the ring of a cracked bell, fled onward, rapid as the wind. He had *started* expecting, nay hoping to be *shot*, preferring *that*, to a death by *burning*! But now finding sudden wings in despair, changeful hope lent him *hers* also—the eager hope, born of the infinite desire of *dear* life—dearest, deepest wish in the heart-shrine of all human creatures.

Every nerve was strung tight as the strings of a violin. Every energy was plied amain. Over fallen trees, and rocks, and precipices, on he fled. Through thorns and thickets of the wild brier, mantled with snowy blooms, still on he fled, leaving his clothes and skin in "shreds and patches," hanging on the sharp-pointed thorns behind him.

He gained on his pursuers. For his desperation leaped the steep rocks, which their ardor could not dare, and around which they had to make short circuits, that left them farther in the rear.

They shouted to one another to *shoot* him; "shoot," "shoot," resounded through the forest; and the sharp reports of a dozen rifles, and the dull booming of as many muskets started two old ravens, on a blasted limb overhead: (evil omen!) and they flew, croaking savage cries like dark demons, away far to the westward!

None of the shots took effect, on account of the distance of their object, and the density of the clustering trees through which they were aimed.

And now the poor wretch neared the rocky rivulet, that gurgled at the base of the hill, down which he had precipitated his headlong, dangerous flight. But *there* now, and wholly unexpected foemen awaited him. The firing of the guns, and the boisterous din of shouts and curses had aroused the thousands, that day, assembled at Boonsborough, and drew them all in a confused, excited mass, in the direction of the clamor. And so as the victim was on the point of escaping from the assassins behind him, he suddenly found himself enveloped in a crowd equally as furious, rushing on him in front, and cut off all prospect of escape.

He uttered one wild, loud yell of agony, and fell headlong in that "babbling brook," that still flowed sweet murmuring on, "like happiness away!"

He was instantly re-captured, and conducted again to the peak of "Committee Hill," as it was then named, and has since retained the name.

An incident occurred during the pursuit, that I cannot forbear recording. An incident that will live in the tablets of my memory, as if *enamelled* in pencilings of fire, surrounded by a circle of saddest gloom.

One moment after the firing of the guns, which roared as if a whole platoon had let off at once, reverberating from hill to hill, and sounding back in hollow echoes from the many caves, bored out long ages ago, in the blue limestone—a wail arose in the air from the little village of Boonsborough; the wail of two female voices, loud, piercing, and full of unutterable woe. It was a scream of despair, and tears and torture—solemn as a requiem for the dead; the tenderest, deepest, mournfullest ever heard!

It was the funeral wail of the young wife for her husband,—of the maiden for her plighted lover. It was the sad music of sorrow given out by the chords of hope, as they snapped asunder forever!

For the wife of Barnes, and Rose Quinet were at the house of a widowed saint, servant of the great World-Saviour, who like him, felt compassion for the outcast mourners, deserted by all beside. The name of this holy widow was Mary Ellis, commonly known as "the widow Ellis." Her morality was deeds of kindness. Her creed was only love.

And so when she saw the beautiful mourners sitting pale, and baptised in their tears, in the streets of the village, forbidden all access to their heart's only idols, dearer now than ever in danger; when she saw these poor sisters thus alone, and deserted by all mankind—objects of insult to the coarse inebriate, and of laughter and filthy jest to the pitiless crowd—the mob of brute animality; then regardless of the lies of poisoned malice, unheeding of the scorn of all, she took them into her humble hut, in Boonsborough, and strove to assuage their grief, with those honeyed words, and tones, and tender looks of angelic sympathy, which *never*, on this unfeeling earth, *flow*, save when they *flow* from the blessed presence of a woman, whose mild eyes are encircled by the rainbow radiancy of mercy, as a star of glory by its halo!

She treated them as if they were her own soul's sisters. And were they not so indeed? for oh! are not all women sisters and all men brothers, by virtue of the common humanity, the indissoluble, eternal unity, that sheds down the celestial ideas, as rays of the same sun, into the luminous chambers of all heads alike,—and pours out the sparkling emotions, as sundered streams of the same current of mystic electricity, warming all hearts alike also?

Answer me,—yes me,—your brother,—your God-glassed image,—your *other* self, because a man! Answer me, ye phrenologists, who *prate* of “organs,”—ye philosophers, who analyze souls,—ye starry-dreaming poets, who gaze down into the fathomless great deep of the human heart,—ye Christian theologians, whose feet are “beautiful on the mountains” of sorrow, as ye proclaim “the good news” to all,—answer me, one and all,—are *we* not *all* as much alike, as a bed of roses in one garden,—as the snowy lilies in the same field? Are *we* not brethren of the *whole* blood? Nay, are we not all twins,—not Siamese twins bound together by a single ligament; but twins of the upper ether,—a *bundle* of celestial souls, a sheaf of the same heart-fibres, twined into *one*, by a million common threads, spun on the same golden wheel of heaven, and steeped all over in the same sea of universal, mysterious magnetism?

So deemed that meek widow, when she received those two weepers into her lowly dwelling. There, in painful anxiety, they were waiting an issue, on which depended their *all* here, for all life hereafter under the sun. And when they heard the fierce din, and the rolling peal of the rifles, they hastily concluded, that *all* was over; and both together spontaneously broke forth into *that* loud wailing cry of irrepressible grief, which filled all the green woods afar! Then springing to their feet at once, they rushed out of the door, in spite of the efforts of their kind host to detain them; flew down to the rocky rill before described; sought to pass over to Committee Hill, over whose green peak the white wreaths of smoke from the recent explosions of gunpowder, were curling paler and fainter, in a moment more to melt away in the blue air; but the rude armed men, who guarded the brook, repelled those sisters in sorrow, and drove them back to the village, with insults of unfeeling scorn!

Their agony and suspense may be conceived,—it cannot be described. Real grief never sits for a portrait. Its language cannot be reported. Its words are heart-throes, that split into the soul like the point of a wedge.

Their suffering, stifling sobs, and sighs of burning breath grew so piteous to hear, that Mary Ellis, that blessed angel of the spirit-life, could endure the sight no longer; but hastily drawing on her Virginia bonnet, she went with fleet steps to the Committee, who now had resumed their sitting,—yes, the angel of mercy went alone, a bashful weak woman, through all that excited crowd, now nothing but a furious mob, maddened by feverish passion, still more maddened by rum; learned the *truth* from the president himself; and brought back one little honey drop of evanescent solace for the mourners,—that *their dear ones* were yet *alive*. Then, both those beautiful women, by a sudden involuntary movement, threw their arms around the widow's neck, and warmed her faded cheeks with kisses and tears.

These facts I had from Mary's own lips long after; and she wept while she told me.

In the meanwhile, a scene of the most thrilling interest was being acted on Committee-Hill. Richmond was brought back and placed again in the very centre

of the Committee, immediately before the president's chair. His whole appearance was frightful. Big round drops,—bead-rolls of despair,—stood upon his forehead, like those globules of cold water we sometimes see on the brows of dark rocks, in the hottest days of summer, when the playful children, in their sweet sympathy with their mother Nature, say,—“See, see, the stones too like us are sweating!”

His pale face was paler than ever, so pale, that aided by the wonderment of the imagination, excited by recent, as well as anticipated events, it seemed to me actually a ghastly livid blue. His eyes were fiery, frenzy-rolling, blood-shot balls, set in lurid rims of purple. Every limb of his whole body was tremulous with terror, shaking like the branches of a weak willow, swept by the wind from a coming storm-cloud.

In his agony the blood gushed from both his nostrils, in two rapid running streams of crimson. He made several convulsive efforts to speak, but the dim sound died away in weak gurglings of the windpipe.

At last his voice became articulate, but it was so changed, that his own mother had she been there would not have recognized the tones of her son. For it was no longer a human voice, but a loud whisper, so unearthly hoarse, that many started as with a superstitious thrill of alarm, and vague, mysterious awe.

His first words were, “For pity’s sake, give me a drink of water!” They reminded me of the last and dying request of poor Lucy, the yellow girl, hung by order of the same Committee, only a few weeks before.

And the reply, in each case, was from the same reverend lips, and similiar in its pitiless import.

In the latter case, Uncle Buck answered,—“You *shall* not have a drop of water, so much as to wet the tip of your little finger, unless you *confess* all.”

Richmond.—“Then let me see my wife and child, and I am ready to die.”

Uncle Buck.—“Confess your guilt and you shall see them. Refuse, and we will burn you to death in five minutes.”

Richmond.—“Then, for pity’s sake, let me have a drink of water, and I’ll tell you all.”

A cup of water was scooped up out of the rill hard by, which he swallowed at a draught; and then begged for another, and still another, which were given him to the number of five or six, when *more* was refused him though still he begged for *more*. His thirst was insatiable, as if his entrails were already burning away, in those crooked, curling flames, he so much feared.

Expectation was now excited almost to insanity, for now came the much-wished confession.

The secretary, with pen in hand, was ordered to note everything down *verbatim*; and many others drew out their pencils, and tore leaves from their pocket books, to keep the record of those broken sentences, wrung by fear, from the lips of folly.

He began his confession.—“I am guilty; nobody else is guilty. I murdered Wright and his family: I alone did it. This is all I have to *confess*. Now for God’s sake, let me see my wife and child, and I am ready to die!”

Uncle Buck.—You know that you are telling a lie. Mrs. Wright says there were three men concerned in the murder, and now you pretend that you did it alone. Beware! tell the truth, or you will not be a live man five minutes longer!”

Richmond.—(With a singular, pale, half smile on his ashy lips, and a sinister expression of countenance, as if he were meditating some monstrous *lie*.)—Well, if I must tell on others as well as myself, I will now tell the truth. Two Cherokees, the *Stars*, helped me to commit the murder.

At these words Captain Bean sprang to his feet. Never before had I seen him lose his cool, collected imperturbation. But now his hand trembled with passion, and a scowl passed over his brow, and a furious light flashed from his dilated blue eye, lurid-fierce as the glare of a thunder-cloud, that darkens the heavens at the summer solstice. But notwithstanding the fever of his excitement, he addressed the *culprit* in tones calm, indeed,—but it was a fearful calmness, like that of the grave—determination and death were there.

“Richmond!” said he, with a look that seemed to rive open the victim’s soul,

for his gaze shrunk from it to the earth in alarm—"Richmond! you have told your last lie. We know that Barnes and Turner were your aids in the murder. How dare you, then, try to screen *them* at the expense of innocent men?"

Then, turning round to the guards he said, "Men, let him die this minute!"

Richmond saw that his last chance was trembling in the balance, and that death was already on one end of the beam, and hastily cried out, "Then, if ye must have it so, Barnes and Turner did aid me. They, too, are *guilty*!"

This declaration was greeted with a loud cheer, as if a wonderful discovery had come to light. Several members of the committee urged him to proceed with a full detail of the horrible transaction, holding out a delusive hope as an inducement. They praised his sincerity; stuffed his vanity; and used all the wily arts of the hypocrite, to urge him onwards with an accusation which afforded them their only pretext for glutting their revenge, in the blood of foes whom they now *feared* as much as they hated.

Thus at once allured and menaced, Richmond spun out a story which was one tissue of absurdities and contradictions, implicating not only Barnes and Turner, but also Jones and Bailey.

When the forced and tortured witness ended his ridiculous story, immediately the question came up as to what punishment should be awarded the several accused, who were unanimously now regarded as proven *guilty*. Some were strongly in favor of *burning*, but the more *lenient*, backed by Captain Bean, insisted on *hanging*, which, after a fiery debate, was carried.

The proposition was then put formally, by the president, "Shall these men suffer death?" The ayes and noes were called for, and ordered to be registered; and but one member, James Mitchell, voted in the negative, an act that was never afterwards either forgotten or forgiven by his brother lynchers.

The victims were then ordered into the presence of the committee, one at a time, and informed of their fate. Each individual received his sentence with a manifestation different from all the others. Bailey, with a most piteous voice, begged for life, dear life, in tones so mournfully moving, the rocks, had they been conscious, would have listened and relented. He even bowed down on his knees, and clasped the feet of the president, still pleading, praying, as if they were *gods*, for dear life—that life of the *senses*, itself, too, *divine*, even as the life of the soul. Vain petition! He might as well have begged a drop of honey-dew from the hollow tooth of a rattle-snake in August, when even its eyes are blinded with the excess of its own poison, and its bite is deadly as a bolt of thunder.

Jones received his sentence with scorn, curses, and bitter execration, frightful to hear. Shrieking out his winged words of unutterable hatred, he dared, denounced, and defied them, one and all, and ended by swearing a horrible oath, "that he would, hereafter, *haunt* them, even forever, both on earth and in hell!"

But Turner and Barnes both preserved a calm dignity—an intrepidity that showed no symptom of fear. With a countenance mild as a morning without mists, yet melancholy as the lonely moon at midnight—with a voice clear as the notes of a dulcimer, but sad, solemn, as the chimes of a funeral bell, they declared their innocence, without denouncing their foes, and laid bare the baseness of the intrigues of their accusers, in words of moderation seldom heard in the eloquence of the criminal courts. They alluded to their approaching fate, and to the beloved ones they were destined to leave behind them; but they uttered no petition for life, nor sought with sorrowful words to melt into unaccustomed pity hearts that, in their iusane fury, had forgotten the meaning of that celestial word.

Barnes closed his brief remarks by saying, "And now, gentlemen, I know that my death is certain; for your resolution is taken, and you have the power to carry it into execution. I am conscious my days are numbered. There is now, at least, no longer any necessity to forbid my dear wife and child the presence of the husband and father, who is their only friend in the world, and who is so soon doomed to leave them alone, in a land of strangers and enemies. Ministers of Jesus, I appeal to you: shall I be permitted to pass my last moments on earth with those dearer to me than life?"

Those words were uttered in a tone so mournfully earnest, with a lingering

slowness and solemnity in the last sentences, that some of even that hardened committee shed tears; and the request was unanimously accorded.

But when Turner came to close his remarks, (which, as we have seen, were pretty much of the same purport as those of his friend,) as he was about to prefer the same petition, his voice failed him; a cold sweat rained down his face; his knees smote together; he bowed his head towards the earth, clasped his chained hands on his brow, and gave way to one long, passionate, wild outburst of inconsolable grief.

Then Barnes took up the imploring words which had faltered on the lips of his friend, and again addressed the committee.

"He, too, would ask of you the same favor which I thank you for bestowing on me. He, too, has one he loves, and by whom he is beloved. He would spend the last moments of his life with the affianced bride of his bosom!"

The president answered with emotion, "I see no objection to the request; let it be so."

"And my mother! oh, my mother, and dear little sister!" murmured the heart-broken youth, his pallid brow yet bowed between his hands.

"Let them, too, be admitted," said the president.

There was an old log-cabin, which had formerly been a school-house, some fifty yards distant from the spot where the committee sat. It stood in a thick cluster of trees, whose green boughs drooped down to the very roof, now in a state of ruin, but literally covered all over with a net-work of luxuriant creeping vines—a species peculiar to the regions of the Ozark Mountains—vines with great fan-shaped leaves, and crimson blooms, the most beautiful I ever beheld, round and fiery in their hue as a star that harbingers the tempest—blooms with five rays, surrounded by a calyx, not green, but blue as indigo—blooms that come and go, like summer rainbows, with every rising sun, from earliest spring till latest, frost-breathing autumn. Here, in this wild spot, picturesque as the abode of fairies, where the innocent little children were wont to con their lessons, with not unmelodious hum, the victims were shut up, and ordered to be guarded, by a hundred picked men, until the day of execution.

That day was set for the following Monday.

It was Saturday Evening. The sun was setting in the west, in a sea of *molten gold*, that billowed up, and flashed, and sparkled far around the circular sweep of the horizon's bright curve, baptising the old woods with yellowish crimson, and plating the limestone rocks with glorious gilding, and changing the wreaths of the late white cloud into rippled rubies, and sowing every grass-blade on the earth, with flamy seeds of diamond and pearl, and coining all nature in that mint of solar beams, into one infinite heap of glittering wealth, till the world and blue air, and burning heaven, seemed one immense mine of *golden ore*, whose veins were the long mountain ridges, whose inverted *bottom*, or say rather, bottomless deep, was the high bend of the ever boundless sky!

And there, in that lingering light, ascending with hurried steps, the precipitous acclivity of Committee-Hill, moved the two mourners without hope; the two most beautiful women in the south-west, and the two, of all the most unhappy. The wife was going to her husband—the Indian maiden to her lover—going to the last meeting, and the last farewell!

They had to pass directly by the spot where the committee were yet in session, though on the point of breaking up for the night.

On they came—those two weak women, weak in the force of intellect, weak in the strength of body; but omnipotent in love, the only feeling of human nature that raises us perishing *mortals* to absolute *equality* with the gods! That gives us the freedom of the celestial spaces, and fixes the soul in the center of the circle of eternity, immovable as the load-star above the pole of the heavens, where rolls the axle-tree of all the worlds!

On they came, pale as two lilies loaded with the tears of the morning—still sadly beautiful in their tears.

As they drew near, the committee became silent. Their irregular hum of conversation died away to a hushed whisper. Conscience, the bitter recorder

seemed already shaking in their faces, her scroll written in characters of blood, under the black seal of a double vengeance.

The two twin-sisters in sorrow appeared on the point of passing by, with eyes turned *oblique* away from that awe-struck committee, as if in horror, when suddenly as if moved by some involuntary and viewless force, which they had no power to resist, they both at the same time faced round, and slowly approached the president's chair. They stood there silent, dumb with unspeakable anguish, for the space of several minutes, during which time no one spoke, not even in a whisper. The heart of the old woods was as still as if the angel of death was brooding there over a solitude of tombs, with his outspread wings of stiff everlasting darkness!

An evil omen broke the spell that seemed to crowd ages of agony into an instant of fleeting time. A large raven was seen slowly winging its flight from the far west, as if coming directly out of the blood-red orb of the setting sun. On it glided, in the purple air of twilight, high over the little village of Boonsborough; its glossey plumes showed dark and deep against the sky: on it came, every now and then giving a slow heavy flap, as if weary of its day's wanderings, and then sailing with furled pinions, as if wafted by some ethereal current, flowing invisible to mortal eyes. Still on it came towards the peaked cone of Committee-Hill, and settled down in its nest on the limb of a tree, blasted with the last summer's lightning. Then it stretched out its neck, and turning its head in every direction, appeared anxiously watching for some expected object, with that deep passionate longing, which even animal instincts are capable of feeling when *tinct* with a spark of love—the universal sun of all *souls alike*! The creature was looking out for the evening wafture of its mate's wings in the sky.

The result of the bird's inquiry seemed unsatisfactory; for it quivered uneasily in its nest; its dull eyes dilated in their dark sockets; and it uttered a long mournful croak, arose again on the wing, and flew away swiftly once more to the west. It too had lost its mate!

All this took place in less time than we have consumed in describing it.

The sad cry of the raven broke the spell of grief and despair that lay like a mountain of polar ice, on the hearts and brains of the two mourners. They both started at once, as if the first peal of the death-knell were already ringing on the hills. And Flora Barnes threw herself on the ground, laid her child right on the knees of the president of the committee, clasped her arms around his feet, and cried, "Oh! have mercy, spare my husband. Spare him, kind preacher—spare him for his child's sake. I swear before Holy God, he is innocent. Pity, and spare him, for Jesus' sake." And that wife and mother sobbed like an infant in its pain.

At that moment, my glance wandered to Rose Quinet, who stood immediately before me, and I was instantly wonder-struck with the singular expression of the Quadroon's countenance. Her lips were compressed tightly between her teeth, which showed white as two regular rows of snowy ivory. Her dark brows were that calm scowl so peculiar to the American aborigines, and which I have never seen without feeling a momentary thrill of fear.

Her eye had become suddenly free from its tears, and seemed to be swimming in flakes of fire, with that strange wild look seen only in the *Indian race*, and which no painter has hitherto succeeded in transferring to the canvass,—a look which at once fascinates and defies you; woos, and yet warns you not to attempt to pierce the bottomless abyss of those calm orbs, dark as night, and deep as the heart of the sea.

There was an icy smile on the face of the Indian maiden, yet not a limb moved. She seemed absolutely stiffened into a stone statue. But her gaze was fixed on the form of Captain Bean, unwavering, immovable as the fates.

Suddenly, she cried out,—“Devil, this is thy work! Die coward,”—and while the words were on her lip, she snatched a bowie knife, concealed in the folds of her white apron, made a long leap like the spring of a wild-cat, and aimed with a fierce blow, the point of the gleaming blade, at Captain Bean's heart.

But I had been observant of her first gesture, and having been long familiar

with the Indian character, was expecting as much from her previous demeanor; so when she made her sudden leap, and thrust, I sprang to my feet, and as she passed directly by me, I caught her uplifted hand, and thus broke the force of the descending blow, and saved her victim's life.

She was immediately seized by a *dozen men*, the knife was wrested from her grasp, and her arms tied fast, with hard strong cords.

Then arose a violent debate in the committee, as to what penalty should be inflicted on the Quadroon, for *her* attempt at murder. Some advised to hang her up, like a dog, forthwith. Others preferred giving her a hundred lashes, and sending her back to the Cherokees. And some pious inquisitors muttered words about burning!

I was a mere spectator, and as such had no right to express any opinion. Indeed there was peril in so doing, provided such opinion chanced to cross the wishes of the lynchers in their ungovernable fury.

But the emotions of pity I felt for the beautiful being that stood before me, and my admiration of her love and heroism, overcame all considerations of personal safety, and I arose, and pleaded for her as if she had been my own sister. I pleaded her stainless character, and the respectability of her relations. I pleaded her youth as an excuse, and her love as an apology. I besought them not to forget in the fever of their passion, that they had already doomed her lover to the gallows. I prayed them to remember above all things, that she was a woman; and therefore the hand lifted to harm her, would be blackened with eternal infamy, and would never again be permitted to clasp the fingers of an honorable man. I warned them also to remember that she was a Cherokee, and a cousin to the principal chief, as well as a favorite beauty of the whole tribe,—and that they might therefore rest assured, that any outrage done to her, would be promptly repaid to them and theirs, with a dreadful compound interest.

My first remarks were received with frowns and sneers; but when I pointed out the dangers to themselves that would necessarily result from a violent course, "a change came o'er the spirit of their dream" of blood; and many spoke out, "that is true,—that is true."

Accordingly, the girl was released,—and the *two* were permitted to go and join their lovers in confinement.

As the Quadroon was about leaving the committee, she turned and came close to me, and looking me full in the face, with those black, beamy orbs again swimming in tears, and with a softened expression of ineffable gratitude, that almost amounted to worship, she said in a low, sweet, silvery whisper, that made every nerve in my heart tingle.—"Stranger, I am thankful; may God bless you for your kindness to the poor Indian girl."

Ah, me! the heart! the heart! the sibyl-book of all the mysteries. The history of time and eternity lies implicated in its folds of veined flesh!

At that moment, a glimmer as of a faint flash of lightning passed before my eyes; I felt my bosom heave with a quick convulsive dilation, as if a soul-volcano had burst out into sudden action beneath its surface. My blood boiled with cryptic electricity. And * * * * * I should have been magnetized fatally and forever by the eyes and voice of the beauteous being, had I not recollected that she *loved another*, and that her love was holy as a saint's in paradise!

And even now; now after years have flown by noiselessly as the fall of dew, but swiftly as the meteor rides on fire-wings down the steep sky at midnight; now after I have wandered wildly without rest, and far away from those vine-trellised green woods, where her fair home stands embosomed amidst stately trees,—aye, now alone in the busy solitudes of "the great city," pining pale with melancholy musings for something *deir*,—the one *all divin*, beyond human expression, that fancy's fond finger sometimes paints on the hovering mists of the future years, in hues of rose-water and opaline lustres,—I recur to that scene once more, and the mellow melting tones of a low rich voice come stealing in sighs out of the grave of the past, like the music of the dreams of my youth, when youth was all one long bright flash of light, and there was no light on earth or among the stars, but only love! The voice seems to say, "Stranger, I am thankful. God bless you!"

And he has blessed me,—aye, in all the gloom of my sorrow. For what greater blessing has heaven to grant, if even all its “golden gates” were thrown wide open, than the *recollection* of one deed of heroic virtue, or gentle pity, done for one of fortune's orphan children, whom all others have forsaken?

I would not barter the mild odor-breathing memory of that lovely *sister's* gratitude, for all the *goods* and chattels in your great world's peddler wagon! Why should I? These come and go like shreds of flying cloud; but that is embalmed as a precious *relic*, and laid away in the heart of hope's pyramid, whose imperishable base is imbedded in a segment of eternity, and whose proud apex with its ladder of winding stairs, over-lies the upper deep of yon farthest *blue*, that ever was sounded by the ray-line of a man-made telescope!

Well said an ancient sage, who lived long ages before these gross material latter-day times, when the leaves of the gospel are converted into bank notes and loaned out at villainous usury; and gold has dethroned God in the hearts of men; and the stock-jobber is the *Jupiter tonans* of the nations; and all our white-robed angels are turned to base *yellow* eagles, with *metallic* wings,—well said that sage of a people,—*we* now scorn as barbarians. “We save nothing only what we give away! And may I not add,—we do nothing rightly for ourselves, but the deeds we do for others.”

Here is the true wealth—here is the only virtue. The tears of sympathy petrify into priceless pearls. These are the genuine bead-rolls; for every pearl is a prayer already answered. The light of love crystalizes into stars of glory, that never shall go down the arch of *ages*. And every sigh breathed for the sins and the sorrows of others, is answered by the songs of seraphs in heaven; for charity is the *real* Virgin-Mother, that intercedes with the universal Jesus. And he who has passed through the purgatorial fires of love here, has a deed in *fee-simple* to all the public domain of the celestial latitudes hereafter. One drop of human tenderness is a purer, deeper baptism than all the waters of the ocean; for the life, and the light, and the love are one. Therefore, he who possesseth one possesseth all, and is himself the heir of all things.

CHAPTER . V.

THE EXECUTION.

As we related in the last chapter, sentence was passed on the victims on Saturday evening, and the day of their execution was set for the Monday following. During that Saturday night Cane-Hill presented a most singular, we might say picturesque appearance. The full, round moon of August shed such floods of brilliancy on the earth, that one could see a pin on the ground, anywhere out of the deep shadows of the trees. “The night seemed but the daylight sick, and only a little paler.” In that chaste, cool radiance the rills shone as if they were made of moonbeams condensed into liquid form; and the myriad living springs looked like the flow of some divine essence running out to waste, and the cascades as sheets of silver, poured glittering down from invisible crucibles hidden in the high rocks.

The little village of Boonsborough was crowded with eager thousands, who had come out at the call of rumor, to drink of the wine of strong excitement, supplied by the new and thick-clustering events. Skins of every color gleamed there, in the conscious lustre of that mild, melancholy moon. The lily of the white man's cheek grew whiter still beneath the ray-showers rained by that pale light. The sable brows of the Negroes looked jettier, by contrast with the stainless splendor, that plated, as with a coating of silver, the surface of all things fair. While the

red Indians, many of whom were present, might have been mistaken, by a hasty observer, for statues of copper, as they stood, or sat, or lay at full length upon the earth, watching every thing, either at rest or in motion, with those dark eyes of wild, restless fire, that wandered hither and thither, and everywhere in their heads, which mostly remained changeless, in fixity of position, as spheroids of chiseled stone.

But the small village was room not enough to hold all. And white tents circled far round its outskirts. And camp-fires shone red and lurid beneath all the surrounding groves; and thick volleys of sparks—an *ember-rain* that fell *upwards*—gleamed like millions of lightning-bugs* on the green leaves of the forest oaks. Hundreds of armed men were on guard during the entire night. In truth, few eyes were closed in sleep until the morning; for a report was circulated that a large band of Indians had gathered then on the line, for the purpose of liberating the doomed men, and slaughtering the whole population of Cane-Hill. Sentinels were therefore stationed at proper distances, for miles around; spies lurked in the thickets, near all the principal roads leading to and from the village; and horsemen came and went, at full gallop, from dark till the dawn of day. A stranger passing by might have supposed that the position, thus in a state of defence, was a belligerent camp, watching in eager expectancy an hourly attack from some overwhelming hostile force.

The watch was most strictly kept up around the romantic cone of Committee-Hill. Not a human soul was permitted to approach the prison-house, in which were confined the men condemned, save the members of the committee, until the next day.

We will not attempt a poor portraiture of the scenes of grief within the rude walls of that prison-house on that night. There are agonies that no art can fix on paper or canvas, or cut into lineaments of marble—agonies that are spasms of swift-shooting torture, from the heart to the brain, and from the brain to the extremest nerve of the system—when the soul is crucified, transfixed on the pointed thorns of its own dreadful thoughts, and an infinitude of sorrow, a whole eternity of wo, are expressed analytically—in a single word, “bereavement!” Such agonies were felt by many broken and breaking hearts, during that long night, in the lone ruins of that old school-house. Thence the sound of prayers, and cries of bitter lamentation, and the wailing of female voices, throughout all the grove resounded afar, startling with mournful clamor the sleepy, gray-eyed owl, that answered with sad hootings of evil omen.

At length the night was gone, and a day of most gorgeous, divine sunshine succeeded—such sunshine—calm, serene, solemn, and hallowed in its hue, as if brightened by the smiles of unseen angels—such sunshine as Sunday only yields, as if to vindicate at once its beautiful consecration by the genius of two religions—by the idolatry of the old pagans to the adoration of the lord of material light and life, and by the holy “worship of sorrow” to the memory of the Man of God, who is called, in most fitting phrase, “the Sun of Righteousness.”

But the pure radiance of that blessed day brought no rest, nor quietude, nor prayer, to the thousands then assembled at Cane-Hill. Not by the slow chiming of the Sabbath bells, was the stillness of the wild solitudes broken, but by successive peals of the rifle, sharp explosions of musketry, and the sullen roar of an occasional drum.

Thus that Sunday passed away.

And another night came in her surpassing beauty—the night with her smiling moon!

And then another morning, cool, clear, glorious. It was the morning of the day of execution. The little birds uttered from the tree-tops, and the wild turkies called their mates from the distant hills. and the night-dews dropped down from all the sprays of the forest, like a shower of shiny pearls.

Oh! the harmony, the heavenly harmony of sisterly nature! Oh! the love all divine, the beauty serenely eternal—the peaceful repose and purity, which war

* Fireflies—called lightning-bugs in the backwoods.

never breaks, nor sin soils, nor any evil passion agitates—that crown her starry features, beaming only with changeless beatitude, life without the fear of death, and endless tranquillity without sighs, or suffering, or scorching tears!

But alas! alas! for nature's twin-brother man! his body is diseased; his soul is poisoned; his reason is a prisoner; his memory a torture; his hope despair. And *all, all* is the doing of his own suicidal hand. He has broken loose from the threads of that celestial attraction which is love; and thus become the insurgent rebel of the universe. He fights with nature. Fights with his own God-given instincts. Fights with his brothers. Heaps the earth with slaughter, and crimson the azure of the ocean with blood!

Thus mournfully musing, on the morning of that fatal day, I sought and obtained permission to visit the prison-house of the victims.

As I was about entering the door, I was called *aside* by Jacob Chandler, the captain of the guard, a good man and true Christian. He informed me, with tears in his eyes, "that he had silently observed the conversation and demeanor of the five *convicts*, during all the preceding night, and that he was now satisfied beyond all doubt, of their innocence."

I then urged him to disclose his opinion, with a full detail of the reason therefore, to the committee.

He shook his head and remarked, "that it was no use *now*. That nothing could change the resolution of the committee. For their own personal fears were now a bar against every entreaty. As they could never feel themselves safe, while one of the men they had outraged so deeply, *was alive*."

I then left this penitenc' lyncher, and with a heavy heart entered the house of lamentation and woe.

Richmond and Bailey were kneeling in prayer in one corner of the old log cabin, pale and silent, their lips moved only, but emitted no audible sound.

Jones, during the night had contrived to bribe one of the guards to procure him a bottle of brandy, and now half drunk, was humming low to himself, (as if not to disturb his fellow victims,) the first catch of his favorite sonnet,—"*On the wings of love I'll fly, from doggerie to doggerie.*"

Mournful was the contrast. For in another corner of the house, Barnes was seated on a fragment of stone, with his child on his knee, and his dear Flora beside him, her left hand clasped in his, and her right arm thrown fondly around his neck. She seemed *then*, calmer, even less unhappy than he. The *strong* man was weeping bitterly, as if his heart would break, every now and then kissing his little boy. And the *weak* woman, in her infinite tenderness was striving to console him.

"Oh! my dearest," I heard her say, and her voice sounded like an angel's whisper in the ears of a dying saint—"oh! my dearest, do not grieve so; you know that you are innocent; I know it, and our God will be sure never to forget it. Let that be our consolation. Those cruel men cannot deprive us of that comfort. True, it was joy unspeakable for us two to live together here. But death might have come soon, in the common course of nature. The autumnal fever might have snatched you away from my arms. My own dear brother thus perished last fall, and left his wife and two little children alone in the world. Oh! do not grieve so, my dearest. You are innocent, and will go to heaven: you will be in heaven to-morrow—last night when I fell asleep a few minutes, on your bosom, I had a dream, oh! such a sweet dream! I thought that we were sitting in the porch before our door, you were singing a divine song—the dying saints address to his soul; I was rocking our baby to sleep, with my eyes fixed on the sky, which was clustered with stars a thousand times brighter and thicker than I had ever seen it before, so that I thought the whole expanse of heaven was one plate of shining silver; and then I saw in my dream, a white winged angel with a crown of stars on his head, come flying out of the west, and he glided along on the soft air, without any motion of his wings, till he alighted in the little garden before our door, close by the honey-suckle bower; and then he called to us, with the sweetest voice I ever heard, and said, 'that he had come to take us to heaven.' And there was such a sweet smile on his face, that shone bright as the morn, and

made so much light around, that I thought I could see the eyes of the little birds, peeping out of their nests on the branches of the trees, in the woods. Then I awoke, and you were kissing my lips; and I felt sure that you would go to heaven. Then do not weep so, dearest husband. We will soon meet again. And those who meet in heaven, they say, never part any more forever."

I cannot hope that I have given the precise words of that angel-comforter. Ah! no. How feeble are our cold common-places of studied poetry, when placed beside the music-words of true affection, gushing, winged, and warm, out of the instinct of the most uneducated heart.

But I have essayed to relate the substance, and believe that I have done so, truly in every idea stated.

It is impossible to convey, by the pen, the faintest conception of the melancholly sweetness of her countenance, or the melting pathos of the tones of her voice, while thus striving to administer consolation, which she needed almost as much herself.

I turned my eyes from this heart-sickening sight, to look for Ellerey Turner and the Indian maiden. At first I could not discover them, and was beginning to wonder where they were; when Jones having finished his song, and observing my glance wandering around the room, divined the object of its search, and moved perhaps by my tears, which flowed free as water, arose, approached me, and pointing with his finger to the chimney-place, said in a whisper, "there the poor things are; can't you save them?" I shook my head. The giant ground his teeth like a mad boar; pulled his bottle from his coat pocket, took a heavy gurgling draught of the sparkling fire-water; sat down again on the door sill and resumed his favorite song!—"On the wings of love, &c."

The old chimney-place was embowered dense and green in tangled vines,—the wild *creepers* of that wild region, that had literally covered the house, inserting their long slender fingers through every chink and cranny of the decayed walls, and letting fall their luxuriant tendrils, and broad-leaved foliage, in showers of profuse vegetation down to the very floor. But the chimney-place, where the rain and dew had free access, and the bright sun always shone at noon, was literally a deep bower of green leaves and blooms, that looked fresh as if they had been just cut out of the heart of a morning cloud, and dipped in the iris of heaven!

And there, on the old moss-grey hearthstone, sat the pale youth, with the maiden on his knee, locked in each other's arms, and half-hidden among the clustering vines.

They were conversing in low whispers, which none but themselves might hear. Eyes to eyes, heart to heart, all eye, all heart, their lips almost touching, they seemed at the moment unconscious that there was any other presence in the universe but theirs.

Suddenly boomed on the air the sound of a signal-gun. It was ten o'clock. There was but one hour till the execution.

Flora Barnes uttered a half-stifled shriek. Hope so like an angel, but a few minutes ago lisping consolation, was spreading its hovering wings, now to flee away and leave her!

At the report of the signal-gun Rose started, turned her head in the direction where I was standing in the middle of the room, gazing on the lovers through my tears. She instantly recognized me; whispered a few rapid eager words in her Ellerey's ears; then rising from his knee, came forward and addressed me in a low tone,—"*He* wants to see you. For God's sake go and speak to him."

Accordingly, I went to the chimney-place, parted the green vines, and sat down on the hearth-stone beside the poor youth, who warmly clasped my hand, though for the minute he was so overpowered with emotion as to be unable to utter a word. Rose again took her seat on his knee.

At length, after a few moments he so far mastered his feelings as to address me in these words.—Oh! I shall never forget one of those low silver tones, while memory has one root living in the dim, distant years that are past!—"I die an *innocent* man. God will hereafter prove my innocence. The real murderers will be found out: and then I want my innocence to be published to all the world.

Yet I shall leave behind me no friend on the earth capable of doing this for me. Those *cruel* men will not do it. Rose has told me how kindly and ably you pleaded for her the other evening before that dreadful committee. She said that she was sure you would grant this last request of a dying man. Will you do so?

For a moment I hesitated. There was indeed much peril in making such a promise should it be known. There would be still greater peril in keeping it, should the contingency ever occur.

While thus pondering, I caught the dark eyes of the beautiful Quadroon fixed steadily on my face, with a look of such mournful entreaty, so deep, so earnest, as if her whole heart and soul were uniting in one prayer to me for pity, as if her very life depended on my answer, that it deprived me almost of the power of volition, and I hastily exclaimed, "I *will*, at all hazards!"

The lovers had no time to thank me, for at that instant Captain Bean entered with a file of bayonets, and ordered the prisoners to get ready, informing them, at the same time, that the women must remain where they were until after the execution.

I heard no more, but rushed out at the door and hurried down the hill, as if a fiend had been pursuing me. I would not have witnessed that final farewell for the world. The screams that wrung in my ears as I fled toward the village, told of agony unendurable—sorrow for which there was no balm of solace on this side of the grave.

The streets of Boonsborough were crowded with dense masses of people, now moving all southwards, toward the gallows. I joined the living stream, and soon arrived at the place set for the semi-judicial murder. It was one of those singular hollows, called in that country "swags," where the earth had sunk down gradually from the level of the surrounding surface, embracing a circular area of perhaps one hundred yards, from the brink to the bottom of the hollow, and resembled in its shape a sparrow's nest; so that from the centre of the swag the ground rose up, with its environment of acclivities everywhere around, in the form of an amphitheatre. This spot had been selected for the execution, in order that the assembled thousands of anxious spectators might have a clear, unobstructed view of the hideous spectacle—the contortions of the last agony!

The gallows had been erected during the previous night, and stood in the centre of the hollow. It was a young tree of black locust, six inches in diameter, and twelve feet in height, with a transverse piece, or cross-bar, fixed on the top, about ten feet long.

One of the committee informed me that they had chosen the black locust for the gallows-pole because it is the most durable wood in the West—all heart, so to speak—and that they intended it to stand there, as "a terror to evil doers," till it should rot down by the natural action of the elements.

The crowd around the gallows was immense. Such a gathering had never been seen before in the South-west. The state of excitement amounted to a species of wild mania. The pressure of the superincumbent masses in that natural amphitheatre, above, on those below, and near the centre, was stifling. The burning sun of August seemed to blaze perpendicularly down from the zenith, with a glare almost insufferable, yet scarcely as hot as the passions of that vast congregation of human beings.

Every type of character and condition appeared to be collected there, as if drawn together by some mysterious spell of enchantment. There wealthy planters of the alluvial bottoms of Arkansas river; officers of the army from Fort Gibson, with their glittering epaulettes and supercilious "*strut en militaire*;" hunters in buckskin trowsers and coonskin caps, from the head waters of "The Devil's Fork," in the Ozark Mountains; ladies of every variety of beauty, from the exquisite belle of the village balls down to the flat-nosed daughters of Africa and the sun—some rustling in gowns that made a silken sound, and some clad in simple home-spun, woven on the hand-loom; men of every color, white, red, and "dark as night;" N'groes, too, of all hues, from the fair descendant of some remote mulatto, now only with a fractional *dip* of one-sixteenth, to the genuine child of torrid Guinea, beneath a Northern sun, still a *black-blue*.

There they all were, the posterity of nations on the opposite sides of the globe, all huddled together, sweating, stewing, groaning, shouting, to see *five* of their brethren, of the same common humanity, swung up in the air like dogs!

I felt a choking sense of degradation, as I thought how flimsy a wall of partition still divides our proudest civilization from the absolute barbarism of savage life.

It lacked half an hour to eleven, when the marshal of the day and his file of bayonets arrived at the foot of the gallows to establish arrangements. To effect this, so as to preserve the necessary order proper to the occasion, the hollow space was cleared of its dense masses, and the lines of methodical precedence fixed as follows:

1. The Committee of Thirty, and persons who came in their body, by special invitation, were arranged in a circle, immediately around the gallows-tree.

2. Twenty paces above them, in the amphitheatre, a chosen band of two hundred men under arms, formed another circle.

3. Ten paces above, and beyond these, the white spectators stood in another circle.

4. Five paces from the *whites* were the Indians, in still another circle.

5. Then came the negroes, and the lowest class of whites and Indians, who were too shabbily dressed to venture into the more aristocratic front line.

Through all these concentric circles of men, women and children—a broad lane was left open for the passage of the expected death waggon, with its load of human victims!

And several hundreds of armed lynchers were stationed around, on higher, over-looking eminences, in different directions.

Ten minutes before eleven, a singular incident happened—one that made me feel almost ashamed that I was a man, a being of the same identical nature with creatures so thoughtlessly cruel, as seemed those, that day around me.

The death waggon, owing to some accident, was late arriving at the gallows. Already the crowd had become impatient of the long delay, and expectation all so eager, felt the presence of a chilling fear—a fear that something had happened to cheat its eyes of "*the ecstatic vision*."

Many murmured, "they are a long time coming! It must be past the hour! 'Tis strange what keeps them!" &c. While others of a more skeptical turn of mind, said with a sigh of anxiety,—"I shouldn't wonder if they didn't hang them after all!" But these latter were looked upon by the majority of the spectators, as *infidels*! Infidels are those who differ with us in opinion.

In this state of perturbed feeling, some person arrived on the extreme outer circle among the negroes, and said that he was just come from the committee, and that the execution was postponed. This information passed from line to line, and mouth to mouth, throughout all that great assembly in a few moments, like the sudden shock from a galvanic battery. And then arose a low whisper, as of a thousand angry voices half suppressed by fear, which gradually swelled into a loud hoarse murmur, like the chafing of the sea against a rocky shore, when thunder mutters from the cloud, and the first breath of the tempest maddens the heaving wave!

Some groaned—some hissed—some cursed with bitter oaths; all seemed disappointed as if a darling, deep-rooted hope had been torn away from their souls, leaving a painful vacuum unsupplied.

Yet notwithstanding this seeming cruelty, and barbarous thirst for blood, these people were not naturally hard-hearted—merciless as masses of marble. Far from it. But the love of excitement had for the time being, absorbed, totally engulfed in a giddy vortex of heedless passion, all the diviner emotions. It was the midnight of reason. The wild beast was awake. The angel of the *inner* life was sleeping, but to arise in the morning of to-morrow, and bathe the cheek blushing for its own folly, in tears for the sorrows of others.

At last the death waggon was heard rattling over the brow of the hill to the northward, and rolled slowly down the long slope towards the gallows.

And there, in that tardy-moving wain, as the ripe sheaves of the "harvest of

death," sat the victims, each on his coffin-lid, with the raven pall above it, and the snowy shroud around him. They looked like spectres in their winding sheets, so pale and death-like were their faces, even beneath that burning sun! And their eyes were seen to wander from the grass of living green, and flowers of golden hue beneath their feet, to the far off firmamental blue, high-arching over head, with looks of mournful upbraiding, that they should gaze on its beauty no more!

Paused the melancholy wain, at the foot of the gallows tree; sharp rolled, from the height of a neighboring hill, the stunning fire of a whole platoon of rifles; heavy on the hot air came the thunderous dubbing of a great drum! On the dial of eternal destiny, the hour of doom to its victims was come!

Uncle Buck kneeled down and prayed Almighty God to pardon *those* whom *he* and his brother executioners would not forgive! The brother showed no pity to his brother, and yet *dared* ask the Universal Father to pity and forgive!

An indescribable sensation came over me. The eyes of Ellerey Turner had sought me out in the crowd. The memory of that last look of the dying haunts me yet. It was one of mournful entreaty, solemn as death, deep as eternity. It seemed to say—"Remember your promise, as you would have God himself remember you!" I saw no more. I turned away my head, resolving not to pollute my soul with a gaze on the horrors of the last agony! I felt as if I were already accessory to a murder!

I heard the order given to the driver, "Move on!" I heard the waggon wheels begin to roll. A smothered choking sound followed; and all that vast crowd of human beings swayed to and fro like a grove of reeds on the shores of a great river, moved by a strong wind.

Then broke, in the distance, from the leafy cone of Committee-Hill, a long wild wail,—a shrill cry of appalling agony, as of fiery tortures. The farewell cry of the maiden to her parting lover—of the wife, to the lord of her bosom, leaving on that lonesome journey, which knows no sweet *return*!

I felt a deadly heart-sickness. My brain was a wilderness of disjointed thoughts. I felt my faith in the divinity of man giving way. I was for a moment a sceptic as to the being of a God. There seemed to be a murderous madness in the sun, and I looked to see if there were not stains of blood on the blue skies of summer!

Ten minutes elapsed. I heard some one say close beside me,—“They are dead now!” I turned my eyes involuntarily to the gallows-tree; but nothing was there, save five pale corpses swiuging in the sun, lifeless though still life-like, the *body* remained on the earth for the grave-worm; but the all-ensouling spirit,—it *they* could not kill,—that had pitched its flight above the eagle's,—that had flown above all the stars!

Then I gazed on the faces of the crowd. The fury and the fever of passionate excitement were clean gone, and the divine instincts were awake once more. Tears were in the eyes of the women, and sadness on the men's faces, and all the children seemed appalled at the presence of death. And we all,—all the vast assembly of now mournful spectators gazed on one another, with a grave, gloomy look, that said,—“Brother, sister. Alas! this deed now it is done, was not *well* done!”

And then I felt that passion is transient, as a bubble of foam on the surface of the sea of life, that never can ruffle the great deep of the soul. And I knew that the fires of revenge and destruction soon die out, self-consumed; but the light of the divinity of love within us, is a tongue of flame from the heart's altar of the universe! For no one hates the *dead*: and all that *are*, must be of the dead. Therefore no one can hate forever. And so again I had hope for man, and faith in the goodness of the unknown father! And I knew, that *what* we misname death is not death but the resurrection. And I said to myself to *die* is but to be born again; and the tomb is a temple of apotheosis,—a chamber, into which the seraph retires to put on its beautiful wings!

For in the universal influx and efflux of being, all is transmuted; nothing is lost. The ripples rise and fall; but the ocean never loses one drop. The rainbows of life come and go, but the everlasting sun, whose “crimson ray-brush” paints them all on the passing cloud, shines on, on, forever.

Ye cannot annihilate the coarsest clod of even soulless matter. Ye may melt it in your chemical furnaces, or dissipate it into invisible steam, or grind it into impalpable powder; but never one particle can ye destroy. Ye can lose nothing, unless you could banish it into an exile, away from the ken of the Omnipresent Deity.

And is it not so with the soul? If the *passive* be indestructible, can the *active* ever die?

See ye not yonder beautiful little flower; it with the vermillion petals, waving in the breeze, on its slender stem of gold? The butterfly lingers around it, and the bee drinks honey-dew from its crimson cup. It looks like a sweet little star just dropped from the zenith. Soon the winds of winter will shake it from its stem, and the stem too will lose its coating of gold, and fall down, crushed on the plain, like a withered weed!

Tell me, is it dead? The yellow-haired child deems so; for there is a tear in her little blue eye, as she gazes where her pretty flower lies, like a dead beauty on her bier. Weep not bonny maiden,—the fair May-queen of the morning meadows has not perished. Its electric life has crept down, and gone to sleep in its root-bed of fibrous feathers; but the first sun of April shall awake it again, and it shall come forth, in a lovelier body, and richer robes, and its velvet lips shall again drink the silver-singing rains of the young year, and its starry eye shall greet the everlasting light once more!

Thus God renews the youth of the world! But he renews it with the incarnation of the same undying souls.

How *then* shall matter remain, and mind perish?

You star, that wanders in its ellipsis, tracing a *parabola* of light on the azure *planetarium*, cannot solve the equation of its own bright curve. But my geometry can solve it; and weigh that star in scales; and determine the eccentricities of its orbit for a million years to come. And for millions of millions of ages that celestial watcher shall look down on "the new heavens, and new earth,"—for the Creator is not like a child to build and tear down castles of chrysolite;—and all that while the science of the eternal mathematics shall hold;—and shall I, a spirit who can comprehend all its sublime theorems, and resolve its knottiest problems, and measure the sun, and balance all the stars,—shall I the especial favorite of nature and the Deity, the darling little *one* of creation, to whom the winds minister song, and the flowers, odor, and the depths of heaven, light,—I, whose thought wanders through eternity, and sounds the abysses of all space foaming with innumerable worlds, and streaming with galaxies, like Auroras in the panorama of an arctic sky,—say,—shall I die forever and ever, and my Father and my sister Nature still live on?

Thus I returned home, musing alone, from that terrible execution, conning questions which were their own answer; for the love of the human solves its own riddles. And never can despair blight the heart or the hopes of him, who has mastered that divine truth, taught by the lips of the "Great Teacher,"—"That the Father of the universe is not *loving* alone, but love itself; and that all *his* children are brothers and sisters." Such a one carries in his own heart the elixir of immortality. All nature kisses his cheek with an infinite tenderness; and "though he should wander a solitary pilgrim over the wide world, he shall never find one spot in city or in solitude, of sunshine or of shade, trivial or unholy!"

CHAPTER VI.

THE JUSTIFICATION.

The town of Fayetteville is twenty miles east of Cane-Hill. It is situated on a lofty eminence, or *truncated* pyramid of hills, overlooking some of the most beautiful scenery in the world. To the south and west, is an area of undulating prairie, interwoven with small groves of timber, that look like a nest of islands in the sea, while blue in the distant back-ground beyond, the smoky peaks of the Ozark Mountains soar up towards heaven, and feed the fountain-sources of White river, that meanders eastward, like a winding thread of silver,—when one can catch a glimpse of its clear stream, through the vistas of smooth prairie, cut out of gigantic forests.

Northward is a long line of low-browed hills covered with fertile fields, and ornamented with beautiful cottages. It is the seat of justice for Washington county, the most populous by much in the state of Arkansas.

It was the middle of the month of September, a little more than two years after the execution on Cane-Hill, when a dozen armed Indians were seen passing up the main street of the village from the west, and moving directly to the court-house which stood in the centre of the public square.

They bore in their midst, two *half-breeds* of evil aspect, in chains.

A crowd of citizens immediately gathered in the court-house to learn the meaning of this strange event.

The band of Indians were discovered to be Cherokees; and their leader inquired for a justice of the peace. One was pointed out to him; and the Indian then informed them,—“that the two half-breeds whom they were guarding, and whom they had brought as prisoners, had confessed themselves to be the murderers of Wright and his family;” and he asked the justice to take charge of them, and have them dealt with, according to law, for their crime.

Accordingly, a court of inquiry was called, and the statements of the Indians satisfactorily proven, together with many damning evidences of their guilt, before unsuspected.

These half-breeds were two brothers, by the name of Starr.

It seems, that as five men had been hung for the murder of Wright's family, they had concluded that there could be no further danger to them, and had related to several respectable citizens of their nation, the fact that they, and another brother then dead, had been the real murderers. In addition, they had given so full a detail of all the horrid circumstances of barbarity attending the transaction, a detail so perfectly corresponding with facts before unexplained, that every unprejudiced mind in the community was thoroughly satisfied of the truth of their voluntary confession. They were formally committed to the county jail, to await their trial at the next term of the circuit court. Yet these wretches at last escaped the justice due to their enormous crime, while the innocent had already suffered in their stead.

Previously to the sitting of the court, great excitement prevailed in the county. The Cane-Hill company and their adherents mustered all their forces, and exerted every energy to oppose the prosecution. They circulated menaces against the Indian witnesses in the Cherokee country, detouncing vengeance against such as should again appear at Fayetteville for the purpose of testifying.

In the meantime, a furious civil war had broken out in the Indian nation, attended by the usual massacres, waylaying and private assassinations, so that every one had enough to do to consult his own personal safety, and no thought to spare for any other purpose but revenge. And when the circuit court came round, no witnesses appeared against the Starrs, and they were discharged on motion.

Thus the guilty went free, and the sinless were lying in their cold graves! Are therefore the ways of providence unequal? The guilty went free! *Free* from what? From mere physical death, which can be no real evil, because it is one of the divine appointments; an ethereal process in the chemistry of eternal nature; the crucible where she transmutes her useless metals into gold, with which to inlay the ceiling of the upper firmament. *They went free*—free from *bodily* pain, thus much, and nothing more. Not free from the pangs of remorse, and the fiery tortures of memory, where the bloody deeds are *scorched* with the red-hot iron brand of shame, as on tablets of immortal marble. Not free from the execration of all the *good*, and the very scorn and loathing of all the *bad*. How then free? The thing is impossible, for neither in the regions of fancy or fact is there, or can there ever be, any punishment conceived equal to the free volition itself, that puts the hand in motion to perpetrate a crime. Nor hath all the wealth of worlds a superior *reward* to the gift of an innocent death!

Deemest thou not so now, oh! youthful Ellerey—thou “angel with bright hair,”—brother of the cloudless blue? Thou regrettest, when dying, that a blood-stain was on thy fair fame. But well didst thou divine, pale prophet as thou wert then, who art now a sun-sighted seer of the super-stellar sky, well didst thou divine through the hovering mists of death, not unilluminated with “light that never was on sea, or shore, the consecration,” and the mystic dream, that God himself would reveal thy innocence; and thou didst commit to me, thy stranger brother, the charge of publishing it to the world.

I have striven to keep my pledge. The dim sheets are written. The poor work is done. Full well I know, that weak are all the words, and faltering, feeble the lines. For the hand that traced them is unaccustomed to guide the wayward quill, and the thought that lives in the mind in fire, freezes on the point of the pen. The blow that is aimed in thunder, falls like a feather on the written page!

Yet have I done what I could; I have fulfilled my promise. Had I the power, I would do more. Were my genius but a tithe of my love, I would rush into the whirling vortex of the all-devouring years, and snatch *these* and many more such wild flowers of my own green woods of the West, from the sweep of the everlasting gulf-stream, that will soon bury them and the memory of their humble loves, in the dark leaden surges of the unfathomable sea of time!

Vain dream! Fantastic shadow of the flitting ideal, which the finger of reality may not clutch! For how can the *forest-boy*, with his rude wild utterances, “wild as the wild bird and untaught, with spur and bridle undefil’d;” the traveller, whose life has been spent, not in the stately colleges, where studious lore is coned, but down in the lonely vallies, and high up on the peaks of snowy mountains, and far out on the broad-breasted billow, which rocked his infant cradle to the music of the hurricane’s roar, aye, how can he hope to repeat a tale, or tales, which are not fictions, or even mere records of the past, so much as its resurrection, to the ears of the city’s gaudy twinklers, that smile in lordly halls?

Here then let me repose for a day. My weary task is done, not well, but truly. Bright imagination bodied not forth these pages. I have dug them up out of my heart. And here I leave them. Should they gain applause, it will not be for *me*. If they be *crucified* on the steel point of the critic’s pitiless pen, I shall never know it. For to-morrow I shall be away, and when these poor sheets are issued from the press, I shall be afar, among the orange groves of my own sunny south.


I have written not for myself, but for my country. In my late travels, I found very violent prejudices existing at the North against, what might very appropriately be termed, the *peradosim* of the South. Here, no allowances are made for the peculiar institutions and social circumstances *there*. And but a poor appreciation

prevails, as to the glorious chivalry, elevated heroism, and exceeding generosity of the Southern character. I wished to contribute my mite to correct this fallacious estimate; to excite some chord of sympathy common to both sections alike; and do this, it was necessary to dissipate certain prejudices in relation to the various phases of Southern development. But I could not disguise the truth. It was therefore only left me to present an accurate detail of occurrences, however objectionable in themselves, and then proceed to account for them, upon the universal principle of cause and effect.

Unaccustomed to composition, I am conscious that the pencilling is coarse and defective. How could it be otherwise, without artistic skill, and the necessary practice in the author?

But notwithstanding the many imperfections of these sketches, I would faithfully hope, that they might call the attention of our American literary talent to the rich ore, yet unwrought, in our great national mines, both at the North and South. We have the most magnificent country on the face of the earth. Its broad mountains dazzle the imagination. Its long mountain ranges are Titans, before which the Alps, and the Appennines, are but dumb infants. Its vallies, continents in themselves, are rife with immortal legends,—tales of love, and battle, that only require the consecration of time, to render them fit subjects for the ecstasy of the poet's dream. And yet our authors mostly write of European story. Here, at our own doors is the beautiful virgin of the west, fresh as a dew drop, and fragrant as the wild flower of her own green woods,—and yet, strange infatuation, we persist in wooing the withered wanton of a foreign soil. Oh! Americans when will ye learn that ye never can have an American literature, until your theme is America?

When shall our men of wealth and fashion cease to spend thousands in long pilgrimages to the shrines of alien beauty, when our Alleghanies, and Stony Mountains, our Hudsons, and Mississippis, offer us scenery as fine as any ever brightened by the sun? Then, and not till then, shall we have a poetry worthy of ourselves and the admiration of the world.

 A SECOND number, completing the present work, will appear in a short time. That part will contain the history of duelling, and the lives of some of the most celebrated Desperadoes in the South-west—interspersed with the record of deeds of chivalrous daring, and noble generosity seldom rivalled, and certainly never surpassed in ancient or modern story. Among the characters sketched in the second number, will be the matchless Jack Smith T., of Missouri; the notorious Captain Rose, of Texas; and "Pete Whetstone," of the Devil's Fork, Arkansas, while all the incidents are in a high degree colored with the wild, romantic hues of the west, and the absolute truth of the whole narrative is capable of the completest verification, by scores of living witnesses, whose names are always given.

It will be very fully illustrated, and published at the same price of the present number.

*It will be observed that the present number is *perfectly complete within itself*, having no necessary connection with the one to follow.

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